# The Solicitors' Journal and Weekly Reporter.

*(ESTABLISHED IN 1857.)*

LONDON, AUGUST 2, 1924.

ANNUAL SUBSCRIPTION, PAYABLE IN ADVANCE.

£2 12s.; by Post, £2 14s.; Foreign, £2 16s.

HALF-YEARLY AND QUARTERLY SUBSCRIPTIONS IN PROPORTION.

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# Current Topics.

### The Visit of the American Bar Association.

THE VISIT of the American Bar Association, which had been for many months anticipated here with great pleasure, has come to an end, and it will, we imagine, leave nothing but pleasant memories behind it. We give elsewhere, in continuation of our report last week, the speeches made at the five dinners on Tuesday, the 22nd ult., and we are glad to preserve this memorial of an occasion so interesting and fraught with so much of happy omen for the future. The expedient of joint hosts brought the Canadian Bar upon the scene, and the speeches made by eminent judges and lawyers from the Dominion greatly added to the value of the meeting. Apart from the Common Law which has been assumed to be—with a saving for the Civil Law in places—the bond of union, the matters which have chiefly appealed to the speakers are the unfortified boundary between Canada and the States, showing that friendship there is safe, and the potential influence of the profession to secure the reign of law in international affairs.

### The Annual Meeting of The Law Society.

THE ANNUAL General Meeting of The Law Society last week, which we report on another page, did not produce discussion of any matter of immediate practical interest. The charge of the accounts, so long with the late Sir WALTER TROWER, is now in the capable hands of Mr. HICKLEY, and the main question is how to deal with the growing expense of legal education. One could wish that there was an endowment available for this purpose. The question of the relation between solicitors' and land agents' remuneration is a difficult one, and the skilled work of the solicitor should receive its fair reward. *Primâ facie* the work of the land agent is less skilled—at least the skill is of quite a different kind—and is much less exacting. We suppose the practical point is that the land agents' efforts secure the purchase money. We hope to make some observations on the Report of the Council next week.

## The Retirement of Mr. Cecil Chapman.

THE ANNOUNCEMENT that Mr. CECIL CHAPMAN is about to retire from the Metropolitan Police Magistracy will occasion much regret in those solicitors and members of the Bar who have enjoyed the privilege of practising in his courts. He has been a magistrate for five and twenty years, during which period he has occupied in turn almost every police-court in the Metropolis, so that his personality is exceptionally widely known. A scholar and man of the world, as well as a keen legal reformer, Mr. CHAPMAN has earned a reputation, both when he sat in Parliament as a Conservative member and afterwards on the Bench, for his warm interest in humanitarian measures. His too freely expressed sympathies with militant suffragism was the occasion of a good deal of public criticism fifteen years ago, and his bias towards feminism may have influenced somewhat his attitude towards separation summonses; although he always endeavoured to discount his own opinions in such cases, and to do impartial justice in accordance with law and with generally held public opinion. But his courtesy, his kindliness of heart, and his obvious conscientiousness were so unmistakeable that he was universally popular. Like some others of his colleagues, he has always aimed at combining philanthropy with the administration of justice, and has followed up in private life, with such assistance as could be offered, the cases of hardship which confronted him in court. In fact, he has always maintained at its best the reputation for common sense and humanity which, fortunately, our London stipendiaries have been successful in acquiring. Legal reformers owe him a debt of gratitude for his active interest in their proposals.

## Mixed Juries and Murder Cases.

ONE POINT raised in the appeal in the *Vaquier Case*, *Times*, 29th ult., deserves careful consideration, namely, the power of a trial judge in his discretion to direct a jury to be composed of one sex only. This power is conferred by the statute of 1919, but there was a peculiarity about its exercise by Mr. Justice AVORY in the present case. The learned judge, it would appear, made an order that the jury should consist of men only, without any application from counsel and without informing the defence that he proposed to do so. The prisoner's counsel only learned of the order on the second day of the trial, when it was obviously out of the question taking an objection. Usually an order restricting the jury to one sex is only made after discussion *inter partes*, but there is nothing in the statute which requires this as a condition precedent. It was said that there was adequate ground for the order, since accommodation for mixed juries in the same sleeping place over night is obviously not easily found at a small rural town like Guildford; and in a capital charge there is always a danger of the jury failing to agree and having to be locked up together all night. This, however, is a matter for the circuit authorities. The Court of Criminal Appeal took wider ground. Lord HEWART suggested that the trial judge is unfettered by the statute in the exercise of his discretion. Does this mean that where a man is being tried for murder he could order the jury to be selected wholly from women, and *vice versâ*? It seems hardly possible that such an order would be a reasonable or proper exercise of the statutory discretion. And the same principle applies to the case of a woman tried on a capital charge, or indeed any charge; it would not be proper to order that the jury consist solely of men; although, of course, the prisoner might challenge the female members of the jury if she desired to get rid of them. Sir HENRY rightly pointed out that a decision of this technicality in his favour would not have meant the discharge of VAQUIER, but a new trial. Where there has been a mis-trial, *i.e.*, no trial at all, a writ of *Venire de novo* quashes the conviction and a new trial automatically follows, although the Court of Criminal Appeal is debarred from ordering a new trial where it quashes a verdict on any of the statutory grounds under the Criminal Appeal Act, 1908.

## Subrogation and Reparations.

PUBLIC CRITICISM of the action of the international bankers in asking for a French undertaking not to take isolated action to enforce an alleged default of Germany by seizing German economic assets, appears to overlook the fact that the bankers are only asking for the application to their loan of the equitable doctrine of subrogation. For the DAWES scheme in effect comes to this. A gold loan is to be made by bankers to Germany for the purpose of meeting an immediate demand of France and the Allies for payment of overdue reparations; this loan is to be secured on the economic assets of Germany, public and quasi-public, such as railways; it is to be made subject, of course, to certain conditions as to unification of industrial control, maintenance of a gold currency, and fixed control by an international committee into which we need not enter. Obviously, if the bankers lend money to Germany to pay off the debt due to France, etc., under the Treaty of Versailles, they are entitled, both by English and by the Civil Law, to subrogation to the security given the Allies by the Treaty of Versailles for satisfaction of their claims to reparation, namely, a lien on the public assets of Germany. Such right of subrogation is obviously inconsistent with the French claim to retain a prior lien over the bankers' charge on these same public assets, and to be entitled to enforce this without the assent of the Control Committee in the event of a German default. Thus stated, the case for the bankers' demand seems unanswerable either in law or as a matter of economics. Incidentally, the legal tribunal which is considering this demand at the request of the London Conference, will also have to consider what are "public assets" for the purposes of the lien created by the Treaty of Versailles. It is generally conceded that they include more than merely Government property, state and federal. Probably industries of "public utility" come within the phrase, but its limits are obviously difficult to define.

## The Duties of an Auditor.

THE DECISION of the Court of Appeal in *Re City Equitable Fire Insurance Co. Ltd.*, *Times*, 12th ult., affirming the judgment of ROMER, J., 40 T.L.R. 664, in favour of the auditors, appears to show that it is not within the ordinary province of a company's auditor to pierce the veil of concealed fraud and to discover for the shareholders the true position of affairs. The scope of an auditor's duties was defined in *Re Kingston Cotton Mill Co.* (No. 2), 1896, 2 Ch. 279, where LINDLEY, L.J., said, at p. 284, following *Re London & General Bank*, 1895, 2 Ch. 673, that an auditor is not an insurer, and in the discharge of his duty he is only bound to exercise a reasonable amount of care and skill. What is a reasonable amount of care and skill depends on the circumstances of the particular case; and if there is nothing to excite suspicion, less care may properly be considered reasonable than if suspicion was or ought to have been aroused. In the present case the Court of Appeal considered that there were no circumstances to arouse suspicion, and that the auditor who had charge of the audit conformed to the right standard. So far as his will and volition were concerned, the auditor, said the Master of the Rolls, was attempting to do his duty. This may very well be as far as an auditor's duty can fairly be carried. But it does not seem to carry the value of an audit very far. The certificate only speaks for the result of the figures and is no guarantee of what lies behind the figures. With all sympathy for the individuals concerned, we doubt whether this gives adequate protection to creditors and shareholders. In the case of the directors, whom also ROMER, J., absolved, there was no appeal.

## Infants and Super-Tax.

THE CASE of *Inland Revenue Commissioners* v. *Blackwell*, *Times*, 8th ult., is interesting in reference to the liability of infants to super-tax, for in that case ROWLATT, J., upheld a decision of the Special Commissioners allowing an appeal on behalf of an infant against an assessment to super-tax in the sum

of £4,000. Under the will of a testator the infant had a vested interest in a portion of the property, but there was a direction to accumulate a fund during infancy, with power to the trustees to apply sums for maintenance. It was contended that the accumulated fund was not income, and ROWLATT, J., in the course of his judgment, observed that the trustees were directed to accumulate the fund and must do so; it was income in trust for the infant, but it was not in trust to pay it to him year by year while he was an infant. His lordship added that it was fallacious to say that the infant would in time get everything, and that therefore super-tax was payable, and that the question was whether the accumulation was the annual profits or gains of the infant then; he (his lordship) did not think so. It may perhaps be assumed that having regard to the decision in *Drummond* v. *Collins*, 59 SOL. J. 577; 1915, 1 A.C. 1011, the trustees might have to consider the sum to be paid (if any) for the maintenance of the infant from the point of view of its possible liability to super-tax, if it were ever likely to be sufficiently large to come within the purview of that additional form of taxation.

### The Development of Mining Areas.

LITTLE TIME has been lost by the applicants in the case of *Nunnery Colliery Co., Ltd.* v. *John Brown & Co., Ltd., and others, Times*, 23rd ult., in availing themselves of the advantages of the Mines (Working Facilities and Support) Act, 1923, which came into operation on 1st January last. The opening words, viz., "Where there is danger of minerals being left permanently unworked," indicate the object of the Act, and see p. 414, *ante*. The applicants sought the grant of the right to work certain specific minerals in an area, part of which lay under the City of Sheffield, in accordance with the provisions of the statute. Before the passing of the Act difficulties would have arisen from the fact that the surface and underground rights were vested in persons having conflicting interests. The application in the present case having been launched, a number of persons filed notices of objection. The matter came before the Railway and Canal Commission and was ultimately settled on terms. In view, however, of the importance of the case, a judgment was delivered by the court when they made the order. The effect of the statute is clearly very greatly in the interests of future generations. At the same time it is essential that orders of this nature should only be made with the greatest caution, for it is not unnatural that inhabitants of large towns should be apprehensive of danger from subsidence. In the course of delivering the judgment of the court, SANKEY, J., said that, in every case which might come before them, the court would be very anxious not to allow workings which might cause irreparable damage to those underneath whose land coal was being compulsorily worked. Questions might arise whether in a particular case the court would not be justified in thinking that it would not be in the national interest to risk very considerable damage by subsidence for the sake of getting a negligible quantity of coal. They would express no opinion on that subject, because no such question arose in the present case, the objectors having expressed themselves ready to settle the matter. A decision of this nature was, however, not merely a matter for agreement between the parties; the public interest also had to be considered by the court, and, whatever terms either party might consider appropriate in his own interest, it was the duty of the court to see that both the national interest and the interests of all concerned were protected.

### Richard Hakluyt and the Middle Temple.

A MEMBER of the Middle Temple, intimately connected with America, whose name we omitted to notice last week, certainly deserves honourable, if late, mention. We refer to RICHARD HAKLUYT, the famous author of the "Voyages," which did more than anything else to stir up in the English youth of Stuart days a thirst for colonization and discovery in the plantations of America. HAKLUYT, he himself tells us, was a Westminster scholar when he visited a cousin in the Middle Temple, and saw upon the table of the latter four books of geography and a "Map of the World," with many charts of the Spanish and Portuguese discoveries in America. He was fired with a passionate ambition to study fully the record of those voyages, and, on completing his career at Oxford, settled in the Inns of Court—where he met courtiers, sailors, adventurers of all kinds—to pursue his studies and carry out his great work. An interesting account of HAKLUYT'S visit to the Middle Temple and its momentous consequences is contained in Chapter V of EGERTON'S "Growth of English Colonies," the introductory volume to that standard treatise, LUCAS' "Historical Geography of the Empire."

### The Law of Property Bills.

THE BILLS to amend and consolidate the Law of Property were introduced in the House of Lords on Thursday. We hope they will be printed and issued in time for notice next week.

## Sir Kingsley Wood.

WE have the pleasure of including in this week's issue a portrait of Sir KINGSLEY WOOD. The son of a Wesleyan minister, the late Rev. ARTHUR WOOD, B.A., HOWARD KINGSLEY WOOD owes, no doubt, much of his success to early training—training of a kind which has produced many men eminent in life, notably the late Lord MOULTON. But while Lord MOULTON, though he always retained a kindly interest in his father's people, ceased to belong to them, Sir KINGSLEY WOOD—the knighthood came in 1918—has taken and still takes an active part in religious work. The details of this would be out of place here, whatever private sympathy with it we have, but we may note that he is a "Circuit Steward" at Wesley's Chapel, City Road—that is, he supplies the lay element of management—and is treasurer of the East End Mission. And as WESLEY—one of the great names of the eighteenth century—took all the world for his parish, so Sir KINGSLEY WOOD seems to have taken all social work for his sphere. In Housing, in National Insurance, in Allotments, his labours are well known, and he has just introduced an Allotment Bill intended to extend the system and give security of tenure. Of all his varied forms of activity, the encouragement of allotment gardening is not the least useful.

Sir KINGSLEY WOOD has been assisted in his social work by his membership of the London County Council—he was member for Woolwich from 1911-19—and by his seat in the House of Commons, where he has been Conservative member for Woolwich West since December, 1918. Rather, perhaps, we should say that these positions have given him the opportunity for public service of which he has made full use. And he has held various offices—all tending in the same direction of social welfare—of which it is sufficient to mention his Chairmanship of the Building Acts Committee, 1913 and 1914, and his Chairmanship of the London Old Age Pensions Authority, 1915, and of the London Insurance Committee, 1917-18. He took an active part in the movement that led to the establishment of the Ministry of Health, and became Private Secretary to the first Minister. He has also facilitated the administration of Housing and Insurance and other legislation by his books on those subjects and on Dental Registration.

And this wide range of religious and public work has been done while Sir KINGSLEY WOOD has been actively engaged in his profession. Honoursman and John Mackrell Prizeman, he was admitted as a solicitor in 1903. He is now senior partner in the firm of Kingsley Wood & Co., with offices in Walbrook, Finsbury-square and Euston-square. Still young, Sir KINGSLEY WOOD has, it may be hoped, a long career of usefulness before him. Perhaps we shall not be far wrong if we say that he occupies a position similar to that which his co-religionist, Sir HENRY FOWLER, occupied some forty years ago. Sir HENRY became Lord WOLVERHAMPTON and an eminent Minister of State. But we are recording, not prophesying.

* Further copies of Sir Kingsley Wood's portrait, packed flat, may be obtained from the Publishers at the price of 9d. each, post free.

# The Prevention of Eviction Act, 1924.

THE object of this Act is to obviate the hardships, to which tenants as a class have been subjected, since the changes in the law, introduced by paragraphs (iv) and (v) of s. 5 (1) of the Rent &c. Restrictions Act, 1920, as altered and re-enacted by s. 4 of the Act of 1923, as a result of which numerous eviction orders were made throughout the country without due consideration of the question of reasonableness from the tenant's point of view. It may be that the present Act might never have been placed on the Statute Book, had some of the learned County Court judges correctly interpreted the above provisions in the Act of 1923, and paid due regard to the position of the tenant before making the order. As is well known, where a landlord had become the landlord prior to the 30th June, 1922, and required the premises for occupation as a residence for himself or for a son or daughter of his, over eighteen years of age, an order for possession was usually made as a matter of course. The decision of the Divisional Court in *Shrimpton* v. *Rabbits*, 40 T.L.R. 541, however, eventually set the matter right, by deciding that in actions for possession under paragraphs (iv) and (v) of the altered s. 5 (1), the Court had to be satisfied not only that the landlord reasonably required the premises, but that it was reasonable to make the order on a consideration of all the circumstances of the case, including those of the tenant.

Before entering into any detailed examination of the Prevention of Eviction Act, it may be useful to examine the corresponding provisions in the Acts of 1920 and 1923. The combined effect of the original s. 5 (1) (d) and the qualifying para. (iv) of the Act of 1920 was, *inter alia*, that a landlord might obtain possession on the ground that he reasonably required the premises for his own occupation, if he provided alternative accommodation for the tenant. This requirement, however, was dispensed with, if the landlord had become the landlord, in the case of "1915" houses, before the 30th September, 1917, or, in the case of "1919" houses, before the 5th March, 1919, or in the case of "1920" houses, before the 20th May, 1920, and if, further, greater hardship would be caused by refusing to grant than by granting the order. It should also be observed that, in any event, the court had to be satisfied that it would be reasonable to make the order.

The Act of 1923 extended the landlord's right, by providing that he might be entitled to an order for possession, if he required the premises not only for himself, but, *inter alia*, for any son or daughter of his over eighteen years of age: see the altered s. 5 (1) (d). Alternative accommodation was also necessary. If, however, the landlord, or the husband or wife of the landlord, became the landlord before the 30th June, 1922, and the premises were reasonably required for occupation by the landlord or by any son or daughter of his over eighteen, the existence of alternative accommodation was not essential (*ibid.* par. (iv)), and this was so, even where the landlord (or the husband or wife of the landlord) became the landlord subsequently to the 30th June, 1922; but, in the latter case, the court had further to be satisfied that greater hardship would be caused by refusing to grant than by granting the order (*ibid*, par. (v)). In both these cases, moreover, the court had further to be satisfied that it was reasonable to make the order: *Shrimpton* v. *Rabbits, supra.*

The Prevention of Eviction Act is in itself a very short Act, but the alterations of the law thereby introduced are of importance. Section 1 repeals para. (iv) and (v) of the altered s. 5 of the Act of 1920, and substitutes therefor the following paragraph:—

> "(iv) Where the dwelling-house is reasonably required by the landlord (not being a landlord who has become landlord by purchasing the dwelling-house or any interest therein, after the 5th day of May 1924) for occupation as a residence for himself, or for any son or daughter of his over 18 years of age, and the Court is satisfied, having regard to all the circumstances of the case, including any alternative accommodation available for the landlord or the tenant, that greater hardship would be caused by refusing to grant an order or judgment for possession than by granting it."

A distinction is drawn between persons becoming landlords (by purchase or by the acquisition of any interest in the premises) prior to 5th May, 1924, and those becoming landlords subsequent to that date. The provisions of the altered s. 5 (1) (d) of the Act of 1920 will apply strictly in the case of persons becoming landlords subsequently to 5th May, 1924, and such persons will have to satisfy the court that alternative accommodation is available at the date of the hearing: *Kimpson* v. *Markham*, 1921, 2 K.B. 157; *Nevile* v. *Hardy*, 1921, 1 Ch. 404; 65 SOL. J. 135. Where the landlord has become the landlord in the manner indicated in s. 1, prior to 5th May, 1924, the existence of alternative accommodation is not essential. Section 1 of the Prevention of Eviction Act however affirms the principle of *Shrimpton* v. *Rabbits, supra*, and requires the court to take into consideration all the circumstances of the case, including that of the tenant, and further, the question whether any alternative accommodation is available for the landlord or for the tenant. Thus, if the landlord is the owner of another house which is suitable for his needs, and which is available for occupation by him at the time, the court would undoubtedly refuse an order, at any rate if no alternative accommodation for the tenant was available. On the other hand, if it is shown that there is alternative accommodation available for the tenant—and it would seem that in cases falling under s. 1 of the Prevention of Eviction Act it will be no part of the duty of the landlord to provide such alternative accommodation—an order might be the more readily obtained. In any event the court must consider the question of greater hardship and each case will necessarily have to be decided on its own facts. Reference however may be usefully made to the following cases dealing with greater hardship and decided under paragraph (iv) of s. 5 (1) of the Act of 1920: *McQuillan* v. *Clinton*, 55 Ir. L.T. 149; *G.W. Railway Co.* v. *Best*, 55 Ir. L.T. 57; *Barret* v. *Marshall*, 54 Ir. L.T. 214; *Dowling* v. *Butler*, 54 Ir. L.T. 199; *Menzies* v. *Rankins*, 1922, Sc. L.T. (Sh. Ct.) 13; *Christie* v. *Bridginshaw*, 1922, Sc. L.T. (Sh. Ct.) 111; *Nickinson* v. *Fisher*, 12 L.J. C.C.R. 90.

Section 2 (1) provides:

> "Where any order or judgment has been made or given before the passing of this Act, but not executed, and in the opinion of the court, the order or judgment would not have been made or given if this Act had been in force at the time, when such order or judgment was made or given, the court on application by the tenant, may rescind or vary the order in such manner and subject to such conditions as the court shall think fit for the purpose of giving effect to this Act."

For a similar provision in the Act of 1920, see s. 5 (3) of that Act. Shortly, the effect of the above section is to give the court a discretion, but only a discretion, to rescind or vary orders made prior to the passing of the Act, provided that such orders have already not been executed at the time of the application made by the tenant under the above s. 2 (1).

Section 2 (2) provides:

> "Where a landlord has on or after the 15th April, 1924, taken possession of a dwelling-house under a judgment or order so rescinded as aforesaid such possession shall not in any case exclude the dwelling-house from the operation of the Rent and Mortgage Interest (Restrictions) Acts, 1920 and 1923."

In cases therefore where the order for possession is rescinded the landlord will be deprived of the benefits of the provisions with regard to decontrol contained in s. 2 (1) of the 1923 Act, and the premises will continue within the provisions of the Rent Restrictions Acts.

T. S.

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After spending forty-six years in various prisons all over England, says *The Observer* (27th ult.), John William McCarthy has died in Birmingham gaol, aged seventy-nine, where he was undergoing a long sentence for burglary at New Mills and Chapel-en-le-Frith, Derbyshire. McCarthy's robberies were chiefly from mansions, offices, warehouses and hotels, and he often buried his booty and returned for it when released from prison. Once he paid a nocturnal visit to a famous judge who had sentenced him, harnessed his lordship's horses to his coach, donned the coachman's livery, and rode off with the coach and pair. On the dark and lonely road he overtook a policeman, to whom he gave a ride. But McCarthy's next sentence was for stealing the judge's coach and pair. On other occasions also he took his revenge on a magistrate who had convicted him.

# On Some Points of Customary Descent.

(*Continued from p.* 808.)

## II.

### Copyholds.

If we recollect that, in strict law, the ordinary copyholder in customary fee is but tenant at will of the lord: for which reason the very existence of a right of freebench or curtesy has to be proved, as well as the quantum of the right if existing: a right to entail has to be proved: contingent remainders were never destroyed by the merger or destruction of the particular estate: commonable rights of the copyholder in the waste of[28] the Manor were at law destroyed by enfranchisement as being annexed only to the customary estate: customs of descent as annexed only to the customary estate were and are destroyed by enfranchisement[29]: then remembering all this, we shall find it logical that a custom of descent of an ordinary copyhold, however amazing, if once clearly proved will be valid in law.

When the lord's tenant at will died, originally the tenancy ceased altogether, it was optional to the lord to resume the land, or of his grace to let any one succeed to the tenancy; in kindly feeling he would let some one related to or connected with the deceased succeed; having made one precedent, he would probably follow it when a similar case arose: hence arose a course of custom gradually hardening till the law ultimately recognised the custom as a right.

We find accordingly that it has been held or taken for granted that a widow surviving her husband can take by descent the inheritance of his copyhold to the entire exclusion of his children surviving.[30] After this any other amazing custom of descent must be a mere triviality: as, for instance, a custom that, failing heirs male of the body, the land should go to the eldest daughter for life only, after her death to the heir male collateral of the father, and in default of such should escheat[31]: a custom that a daughter should exclude the predeceased son of her brother.[32] And descent to the eldest or youngest daughter, failing sons, is common as blackberries.

And it seems clear that the same rules will apply not only to the ordinary copyholder at will, but to the privileged copyholder, mistermed customary freeholder, so often found in the Northern Border Counties; whose estate is not expressed to be at the will of the lord, and does not pass by surrender and admittance.[33]

Thus in the above cited case of *Newton* v. *Shafto*[34] the question arose on the custom of Tynemouth. Copyholder died leaving a widow, and elder daughter and younger daughter; the elder daughter died in the widow's life, and it was thought at the widow's death that there was no male heir collateral of the copyholder. The custom was if copyholder dies, leaving daughters only, the eldest shall take for her life, and after her death the next male heir of the father claiming through males shall take; if none, then escheat; a further custom gave the whole to the widow for life. On the widow's death, the younger daughter was held to exclude the lord claiming by escheat. The custom, the estate being merely a copyhold, was good, but the younger daughter being at the death of the widow actually the only living daughter, and so an elder daughter, and the widow's estate being but an excrescence or continuance of her husband's estate in the nature of freebench, the younger daughter should hold for her life.

From a case two years later[35], which Siderfin says arose upon part of the same land that was in question in *Newton* v. *Shafto*, and was copyhold of Newcastle-upon-Tyne, it looks as if, the younger daughter having excluded the lord claiming by escheat, an heir male collateral of the father afterwards turned up and successfully claimed against her: at all events it was held that a custom allowing this would be good; and the copyholds in both cases were in Northumberland, and the language of the reports, and especially Keble's report, which makes the court say that the land was "but a kind of a copyhold" makes it clear, that the copyhold was a privileged copyhold.

The particular custom of copyhold descent will not apply to tracing descent from a man who, if his estate in the copyhold had been duly completed, would have been *seised* as copyholder; unless, indeed, his estate be duly completed. And of course where custom does not govern, the common law does govern the descent. Thus, if A, copyholder, surrender to B, and B dies before admittance, and the custom of descent is to the younger son, B's younger son will not succeed: for B was never seised, and so the custom never attached upon him.[36]

So, again, if copyholds be devised by way of executory legal fee, as to A and his heirs, but if he die without issue living at his death, to B and his heirs; and B dies in A's life, and A dies leaving no issue, B's common law heir, and not the person who, had B survived A and been admitted, would have been B's customary heir, will succeed.[37]

The rule is subject to an exception, that if the custom be judicially known to the law as, *e.g.*, Borough English, then the descent will be traced as if the deceased had been seised. Thus, suppose a copyholder devise to B for life, remainder to B's sons, but if B has no son living at his death to B's daughters equally; and B be admitted for life, and die without a son; then if a daughter of B shall have predeceased her father, inasmuch as a contingent remainderman is not impliedly admitted by the admission of tenant for life, the common law heir to such predeceasing daughter will take in exclusion of the customary heir who would in that case have been the youngest sister of B's deceased daughter.[38]

But if, in identically the same case as the last, the custom of the manor (*a*) is found to be in the nature of Borough English, and (*b*) to extend the descent to a *youngest sister*, then the customary heir to predeceased daughter's youngest sister, not the common law heir, will succeed.[39]

But as to equitable descents; that is, descents from a man for whom trustees by way of executed trust hold a copyhold in trust; equity follows the custom. Thus, where the custom was that upon death and intestacy of a tenant of the manor *seised of copyhold* the copyhold should descend to the youngest son; and the devise was to the use of trustees who were admitted, upon trust for Trash in tail, who died without bar of the entail, Trash's younger son succeeded to the entail.[40]

So, where a trustee holds copyholds for A, descendible partibly amongst all sons, all sons will succeed to A's equitable estate.[41]

In the last case, and in some of the authorities there cited, is expressed, perhaps, a suggestion that the case might be different were the custom actually found to extend only to a copyholder *actually seised*: but *Trash* v. *Wood* seems to meet this very suggestion; and further a custom is intended as applying only to the

(28) See cases cited *Farrer, Conditions*, 161, and for a recent illustration of the principle: *Derry* v. *Sanders*, 1919, 1 K.B. 223.

(29) *Watkins* (*4th*), II, 55; *Elton, Copyholds* (*2nd*), 127; *Copyhold Act*, 1894, s. 21 (1) (*c*).

(30) *Locke* v. *Southwood*, 1 M. & Cr. 411, *affd. Bushe* v. *Locke*, 3 Cl. & F. 721; Manor of Taunton Deane; this custom had centuries before been mentioned as good in *Newton* v. *Shafto*, 1 Sid. 267.

(31) *Newton* v. *Shafto*, 1 Sid. 267; 1 Lev. 172.

(32) *Locke* v. *Colman*, 1 M. & Cr. 430; 2 M. & Cr. 43, 636.

(33) *Portland* v. *Hill*, 2 Eq. 765; *Scriven* (*4th*) II, 568-578; *Farrer, Conditions*, 162. But there can be true freeholds of a manor which, passing by ordinary deed, the deeds are presented by the Homage, and notice of such presentment is entered on the Court Rolls. See *Copestake* v. *Hooper*, 1908, 2 Ch. 10; *Watkins* (*4th*) I, 58n.

(34) 1 Sid. 267; 1 Lev. 172 (Manor of Tynemouth).

(35) *Sampson* v. *Quinsey*, cited, 1 Sid. 268, and as *Simpson* v. *Quinsley*, 1 Ventris, 88, 1 Lev. 293, 2 Keble, 672, 679; *Cf.* also *Doe d. Hamilton* v. *Clift*, 12 A. & E. 566.

(36) *Payne* v. *Barker, Orl. Bridg.*, 18.

(37) *Mallinson* v. *Siddle*, 39 L.J. Ch. 426 (Dufton Manor).

(38) *Rider* v. *Wood*, 1 K. & J. 644 (copyhold of Mitchelmarsh).

(39) *Rider* v. *Wood*, 1 K. & J. 644 (copyhold of Mordon).

(40) *Trash* v. *Wood*, 4 M. & Cr. 324 (Manor of Heathfield).

(41) *Re Hudson*, 1908, 1 Ch. 655 (Manor of Healaugh New Land in Swaledale).

case of a copyholder *seised*[42]; the Court Rolls and Custumals have nothing to do with equities; they deal only with the relation of the lord and his tenants; and how could a custom purporting to deal with equities be valid? Custom must be from time immemorial, existing long before equitable uses were enforced and so created as equitable estates[43] by the Chancellor.

But where the trust is not executed, but executory, in the sense that in construction of equity the heir is to take *as purchaser*, then the common law heir will be preferred. As if a settlement is directed to be made of land which is gavelkind, on a daughter for life, and after her death on the heirs of her body; the court will direct settlement on her for life, remainder to her first, second, third, and so on, sons successively in tail[44].

But though the trust is executory, the wording may be such as to indicate that the customary heir is to take as purchaser, and also, not merely the person who would be customary heir at the death of the propositus, but the person who would be customary heir, had for instance the propositus survived his widow, when in fact he does not so survive.[45]

And now a few words as to representation.

It often happens that when a man dies, the person claiming to be heir has to trace his heirship by representation to one who, having predeceased the propositus, would, had he actually survived the propositus, have been the heir. As, for instance, JOHN SMITH dies seised intestate, having had two sons, PETER and WILLIAM; but PETER has predeceased him leaving a daughter MARY; here MARY is JOHN SMITH'S common law heir claiming by representation to PETER, the predeceased elder son of JOHN SMITH.

Now it may be taken, we think, as clear on the authorities, that where the particular custom is found to be of gavelkind or Borough English, or of the nature of those respective customs, of both of which customs the court takes judicial cognisance without special proof, there the court applies *mutatis mutandis*, to fit the custom, and whether the descent be of freehold or of copyhold, all the rules of the common law as to heirship by representation.

Thus JOHN SMITH dies intestate seised in fee of gavelkind, or land found to be subject to a custom of that nature. The position of his family at his death is this:—He has had an eldest son PETER, who has predeceased him leaving a daughter MARY; a second son WILLIAM, who has predeceased him leaving a son CHRISTOPHER and a daughter ELIZABETH; and a third son NICHOLAS, who has predeceased him, which NICHOLAS had a son HUGH, which HUGH also predeceased, but which HUGH leaves two sons JAMES and JOSEPH; and JOHN SMITH leaves a fourth son ADRIAN. The descent will be as follows, one-fourth to MARY as representing her father PETER; one-fourth to CHRISTOPHER as representing his father WILLIAM; one-fourth between JAMES and JOSEPH as representing their father HUGH, who represented his father NICHOLAS; and one-fourth to ADRIAN.[46]

*(To be continued.)*

(42) See *Payne* v. *Barker*, *Orl. Bridg.*, 18.
(43) Compare *Copestake* v. *Hoper*, 1908, 2 Ch. 10.
(44) *Roberts* v. *Dixwell*, 1 Atk. 609, and other authorities cited in *Re Hudson*, *supra*.
(45) *Locke* v. *Southwood*, 1 M. & Cr. 411; *Bushe* v. *Locke*, 3 Cl. & F. 721.
(46) *Re Chenoweth*, 1902, 2 Ch. 488; *Hook* v. *Hook*, 1 H. & M. 43. *Robinson*, 5th ed., 89.

# Chancellor Kent.

WE recorded last week, *ante*, p. 822, the gift of a portrait of Chancellor Kent by the School of Law of Columbia University to the Council of Legal Education. Columbia University, New York, has one of the leading Law Schools in the United States, and James Kent is, perhaps, the most honoured of its *alumni*. Last year was the centenary of the commencement of his second term as Professor at Law, and a centennial celebration was held at the University. In anticipation of this event, *The Columbia Alumni News* issued in April, 1923, a "James Kent Memorial Number," which contains portraits of him at various ages, articles on his career as a politician and a judge, and appreciations of the "Commentaries" and of his contributions to International and Constitutional Law.

Born in 1763, the son of a Presbyterian lawyer, he became a member of the New York Assembly in 1796, and at a time when American Society was watching the effects of the French Revolution he adopted a strong conservative attitude towards the preservation of private rights. This was the period—1793 to 1798—of his first term as Professor of Law at Columbia, but his peculiar talents for judicial work early attracted attention, and in 1798, when he was thirty-four years of age, he was appointed a Judge of the Supreme Court of New York. Here he did much, both by his learning and personal character and bearing, to establish on a firm footing the reputation and dignity of the Judicial Bench. He devoted the greatest care to the preparation of his judgments and gave a written opinion in every case reserved for decision. They are preserved in the long series of "Johnson's Reports." In 1804 he became Chief Justice, and in 1814 left the Common Law branch to be Chancellor. This office he held till 1823, when he reached the age for retirement, and returned to the Professorship of Law at Columbia, which had been left vacant during his tenure of judicial office. This gave the opportunity for the production of the "Commentaries." Founded on his lectures, given from 1824 to 1826, this famous work went beyond them, covering the whole range of Constitutional, International and Private Law, and it quickly acquired in America the reputation and position of Blackstone. The four volumes were produced between 1826 and 1830. Five editions were issued under his own care. The sixth was edited by him, but was not published till after his death. This occurred in 1847. Fourteen editions in all have been published, the twelfth edited by Justice O. W. Holmes.

We do not propose at present to say anything further as to the career and influence of this great man, but we will refer to two of his judgments. His researches in International Law are well illustrated by his judgment in *Griswold* v. *Waddington*, 1819, 16 Johns. N.Y. Rep. 438, 442, where the effect of war in breaking off commercial intercourse was considered, and an examination made of a long series of early writers. The other—*Duke of Cumberland* v. *Codrington*, 1817, 3 Johns. N.Y. Ch. 229, a case on the incidence of a mortgage debt on real and personal assets—we refer to for the purpose of quoting the following striking passage as to the relation of the then current English authorities to the building up of equity jurisprudence in America. It is at p. 262 of the Report:

"But we are told that no English authorities since 1775 are of binding authority, and that our Courts are not to vary with the opinions, or perhaps caprices, of English tribunals. It is true that we are not bound by their errors, nor do we feel subdued by their authority; but we can listen with instruction to their illustration and application of the principles of the science. 'Far from me and my friends be such frigid philosophy,' or such unreasonable pride, as may turn us with indifference or disdain from the decisions and wisdom of other nations. It is to be recollected that we have very little domestic precedent in matters of equity to guide us. A question of this kind has, probably, never before arisen in our own Courts. We must resort for information to the Courts of that nation from which our jurisprudence, as well as the best of our institutions, are derived; and we can do it with uncommon advantage.

"Within the last forty years, the principles of law, as taught in their Courts of Equity, have been cultivated with great talent, and methodized and explained with great success. During that interval of time, their Courts of Equity have had a succession of learned men to preside in them, who have shed light on this portion of municipal law, and enriched it with their wisdom. It cannot, I presume, be seriously expected, or even wished, by the liberal counsel who argued this cause, that I should confine my researches to the more loose, inaccurate and scanty repositories of equity learning of a date prior to our revolution, and that I should shut my eyes upon the improvements and lights of the present age. Within the period I have referred to, I may be permitted to mention, without meaning any invidious comparison, that we have the results of the vast labour and eminent discretion of Lord Eldon, and are equally instructed by the enlightened judgment of Sir William Grant, and the great diligence and accurate learning of Lord Alvanley. Within the same period we have also, to borrow a portrait from Gibbon, 'the majestic sense of Thurlow, and the skilful eloquence of Wedderburne.' Least of all ought a complaint to be made against the application of the existing English law to this case, for the parties litigant are British subjects, resident in England, and several of them of very distinguished rank."

Messrs. G. T. Foulis & Co. Limited are publishing "The Story of Our Inns of Court," which has been written by Sir D. Plunket Barton in collaboration with Mr. Charles Benham, B.A., and Mr. Francis Watt, M.A. It is a careful, accurate and complete story of our four Inns. Fully illustrated. The price is 10s. 6d. net.

## Books of the Week.

**Rent Restriction.**—Rent and Mortgage Interest Restriction, with the Prevention of Eviction Act, 1924. By the Editors of "Law Notes." Eleventh edition. "Law Notes" Publishing Office, 25 and 26, Chancery-lane, W.C. 5s. net.

**The Moot Book of Gray's Inn.**—Edited by Lord Justice ATKIN. Butterworth & Co.

**Massachusetts Law Quarterly.**—Special Number, July, 1924. Massachusetts Bar Association, Boston, Mass.

**Legal History.**—Catalogue of the Exhibits of the Hampton L. Carson Collection of Books, &c., Illustrative of the Growth of English-American Law.

[The collection was exhibited at the Hall of the Historical Society of Pennsylvania on the occasion of the visit of the American Bar Association to Philadelphia, 8th, 9th and 10th July, 1924. It is of exceptional interest, but we must defer detailed notice of it till next week.]

# Correspondence.

## The Doctrine of Conversion and the New Property Law.

[*To the Editor of the Solicitors' Journal and Weekly Reporter.*]

Sir,—In your issue of the 26th inst., p. 811, in a comment on *Re Twopenny's Settlement*, 1924, 1 Ch. 522, it is said (of the equitable doctrine of national conversion), "It is a branch of the law which will, it seems, become extinct when the Law of Property Act, 1922, is in operation."

I have seen other suggestions to the same effect, and the view seems to be entertained that the Act will render the doctrine of conversion obsolete. But is this so? Take the instance of a testator who by his will gives all his real estate to A and all his personal estate to B.

ALLAN WALMSLEY.

78, King-street,
Manchester,
29th July.

[We hope to deal with the point next week.—Ed. SOL. J.]

# CASES OF LAST SITTINGS.

## House of Lords.

**RUSSIAN COMMERCIAL & INDUSTRIAL BANK *v.* COMPTOIR D'ESCOMPTE DE MULHOUSE. BANQUE INTERNATIONALE DE COMMERCE DE PETROGRAD *v.* GOUKASSOW.** 22nd July.

INTERNATIONAL LAW—RUSSIAN BANK WITH ENGLISH BRANCH—RUSSIAN DECREES NATIONALISING BANKS—DISSOLUTION OF HEAD OFFICE—ACTION BY MANAGER OF BRANCH—POWER TO SUE—REVOCATION OF AUTHORITY—ESTOPPEL.

*The manager of the London branch of a Russian bank in the name of the Russian bank sued the defendants for the return of certain bonds which had been deposited against a banker's credit, the amount due in respect of which had been paid off. The defendants refused to release the bonds on the ground that the plaintiffs could not give a valid receipt for them.*

*Held, that the defences set up by the defendants failed, and that the plaintiffs were entitled to a return of the bonds.*

This was an appeal from a decision of the Court of Appeal, 1923, 2 K.B. 630, affirming a judgment of Sankey, J. The appellant bank was formed in Russia in 1889, where it carried on business, and had a branch in London. The manager of the London branch was authorised to transact business for and bring actions in the name of the bank. In 1914 an arrangement was made between the head office in Petrograd and a French bank whereby the latter agreed to open an acceptance credit for the former for 800,000 marks against a deposit in London of collateral security, and the head office in Petrograd instructed the London branch to make the necessary deposit of bonds with a London bank. In 1918 and subsequently the Russian Republic by various decrees nationalised banking in Russia by taking over the assets of all private banks and vesting them in a government department. In 1919 the manager of the London branch agreed with the French bank to pay off the amount due on the bankers' credit in return for the bonds. The amount was duly paid, but the French bank refused to release the bonds on the ground that the original transaction was on behalf of the plaintiffs' head office in Petrograd, and that the London branch could not give a valid receipt for the bonds. In 1920 the manager of the London branch of the Russian bank sued the French bank, and the English bank for the return of the bonds, and damages for their detention. Sankey, J., acceded to the respondents' contention, and dismissed the action, and the Court of Appeal by a majority affirmed his decision. In the second case a similar question was raised, the sole defence to the action being that the bank had ceased to have any corporate existence before the writ was issued.

LORD CAVE said that in the course of argument a number of questions had been raised, and he proposed to deal with them in the following order: (1) Had the defendants proved that the appellant company was dissolved and therefore incapable of maintaining this action? (2) Had they proved that the property in the bonds was no longer in the appellant company? (3) Had they proved that the authority of the branch manager was determined? (4) Were the defendants prevented by their conduct from alleging want of authority? With regard to the first question it was well known that the Soviet Government was recognised by the British Government as the *de facto* government of Russia in or about May, 1921, and in January, 1924, it was recognised as the *de jure* government also. He said that on the language of the decrees themselves and apart from any evidence given by the expert witnesses called in this case he was by no means satisfied that their effect was to dissolve the plaintiff corporation. He then referred to certain resolutions and instructions which he said were executive acts only, but so far as they went they supported the view that the decree of December, 1917, contemplated a future and not an immediate supersession of the private banks. From these documents therefore he was unable to draw the inference that the joint stock banking companies, including the plaintiff corporation, were dissolved by the decree of December, 1917, and no other decree was proved which could have directly produced that effect. The dealings of the Russian Government and its State Bank with the English branch of the appellant bank after the date of its alleged dissolution raised a strong presumption that the Russian Government did not look on the plaintiff bank as wholly extinct. These dealings were described by Atkin, L.J., in his lucid judgment, and need not be stated. On the whole matter he had come to the same conclusion as that which was reached by Atkin, L.J., namely, that the defendants had not established their plea that the plaintiff corporation had ceased to exist. With regard to question (2) it was alleged that the property and rights of the plaintiffs including the bonds in dispute had been vested in the People's State Bank, but that was not supported by any argument, and it was therefore unnecessary to deal with it. With regard to question (3) it was said that assuming that the plaintiff bank still had a corporate existence, the authority given to Mr. Jones, the branch manager, must be deemed to have been revoked and accordingly that he had no authority to claim or receive the bonds or to commence this action. He did not think it was open to the defendants to raise this question by way of defence. Their proper course was to move at an early stage to have the name of the company struck out as plaintiff. The decision to that effect in *Richmond* v. *Brown*, 1914, 1 Ch. 968, was not affected by the decision of this House in *Daimler Co.* v. *Continental Tyre Co.*, 1916, 2 A.C. 307, where the alleged plaintiff was incapable of giving any retainer at all. With regard to question (4) he thought the plaintiffs' plea of estoppel was sound. The Mulhouse Bank, with all the knowledge which they now had, agreed with the London Branch of the plaintiffs' bank to receive payment of the marks, and to deliver up the bonds, and having received the sum agreed upon they could not now be heard to dispute the authority of the London branch to receive the bonds which were to be delivered in exchange for it: see *Roe* v. *Mutual Loan Fund*, 19 Q.B.D. 347. For the above reasons he had come to the conclusion that the defences set up by the defendants failed and that the plaintiff bank was entitled to a return of the bonds. He was therefore of opinion that the appeal should be allowed, and that judgment should be entered for the appellants with costs here and below, and he moved their lordships accordingly.

The other noble and learned lords (Lords FINLAY, ATKINSON, SUMNER and WRENBURY) concurred.

LORD CAVE then gave judgment in the second appeal, which he said was covered by the previous case, and the other noble and learned lords concurred.—COUNSEL: *The Attorney-General* (*Sir Patrick Hastings*, K.C.), *Schiller*, K.C., and *Micklethwait*; *Wright*, K.C., and *O'Hagan*; *Neilson*, K.C., and *Murphy*; *Stuart Bevan*, K.C., and *Rayner Goddard*, K.C. SOLICITORS: *Stephenson, Harwood & Tatham*; *Coward & Hawkesley, Sons & Chance*; *Freshfields, Leese & Munns*; *Donald Macmillan & Mott*.

[Reported by S. E. WILLIAMS, Barrister-at-Law.]

# Court of Appeal.

**DIMENT *v.* ROBERTS.** No. 1. 23rd July.

LANDLORD AND TENANT—RENT RESTRICTION—STATUTORY RENT—OVERPAYMENT—PERIOD FOR RECOVERY—INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1920, 10 & 11 Geo. 5, c. 17, s. 14 (1)—RENT AND MORTGAGE INTEREST RESTRICTIONS ACT, 1923, 13 & 14 Geo. 5, c. 32, s. 8 (2).

*Section 1 of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, provides that where rent or mortgage interest has, by agreement, been increased in excess of the limits of permitted increase sanctioned by the Act, the amount of the excess shall be irrecoverable from the tenant or mortgagor. Section 14 (1) directs that such excess, if already paid, shall be recoverable from the landlord or mortgagee or deducted from future rent or mortgage interest payable. By s. 8 (2) of the Rent and Mortgage Interest Restrictions Act, 1923, "Any sum paid by a tenant or mortgagor which, under sub-section 1 of section 14 of the principal Act"—the Act of 1920—"is recoverable by the tenant or mortgagor shall be recoverable at any time within six months from the date of payment but not afterwards, or in the case of a payment made before the passing of this Act, at any time within six months from the passing of this Act, but not afterwards." The Act was passed on 31st July, 1923. The meaning of "recoverable at any time within six months" in the latter sub-section is that the tenant or mortgagor must within that time have commenced proceedings, by issue of writ or summons, to obtain repayment; it is not necessary that he should have obtained judgment before the period has expired.*

Decision of the Divisional Court (based on the decisions of that court in Lewis *v.* McKay; Algate *v.* Vugler; and Clark *v.* Potter, 68 SOL. J. 739; 40 T.L.R. 579, *affirmed*.

The plaintiff, the tenant, sought to recover from the defendant, the landlord, payments of rent in excess of that permitted by the Rent Restriction Acts, paid before the passing of the Rent and Mortgage Interest Restrictions Act, 1923, which was on 31st July, 1923. Action was begun by summons in the county court on 24th January, 1924, within six months of the passing of the Act, but the case did not come on until 24th March. It was then adjourned until 28th March. The county court judge agreed with the objection put forward by the defendant that the overpayments of rent were only "recoverable" where a judgment had been obtained within six months, and declined to hear the summons. Upon appeal, the Divisional Court held that the case was within the decision in the three cases referred to above, where it was held that the meaning of s. 8 (2) of the Act of 1923 was that the person seeking to recover an overpayment must initiate proceedings, by writ or summons, before the six months' limit had expired. The Divisional Court therefore allowed the appeal, and directed that the matter should go back to the county court for the judge to deal with. The defendant appealed. The court dismissed the appeal, without calling upon the respondent.

Sir ERNEST POLLOCK, M.R., said that the judgment of the Divisional Court in *Lewis* v. *McKay*, *supra*, was to the effect that within six months the tenant must have taken some legal steps. Counsel for the appellant had cited *Morris* v. *Duncan*, 47 W.R. 96; 1899, 1 Q.B. 4, but that case seemed the very opposite to the contention put forward in the present case, for it referred to a section of the Salmon Fishery Act, 1873, under which a penalty was recoverable if a "complaint shall be made" within six months. It could not be supposed that the Legislature intended to leave the tenant to the chance of his right to sue falling within the area of a very busy and congested court, or to its being determined early or late according to the changes and chances of the court's business. The object of the Act was clearly to maintain the right of the tenant or mortgagor, but to impose some limit in respect of the time during which he might seek to recover the amounts overpaid. The time for recovery was six months, and steps must be taken by the tenant to recover within that period, but he (the Master of the Rolls) could see no reason for holding that this right given to the tenant or mortgagor was meant to be a right dependent upon the action of persons wholly independent of the tenant or mortgagor, such as judges and persons whose duty it was to arrange the work of the courts. The judgment of the Divisional Court was right, and the appeal must be dismissed.

WARRINGTON and ATKIN, L.JJ., delivered judgments to the like effect.—COUNSEL: *Paull*, for the appellant; *J. Duncan*, for the respondent. SOLICITORS: *E. A. R. Llewellyn; Bono and Nimmo*.

[Reported by G. T. WHITFIELD-HAYES, Barrister-at-Law.]

**Portraits of the following Solicitors have appeared in the SOLICITORS' JOURNAL: Sir A. Copson Peake, Mr. R. W. Dibdin, Mr. E. W. Williamson, Sir Chas. H. Morton and Sir Kingsley Wood. Copies of the JOURNAL containing such portraits may still be obtained, price 1s.**

**THE "KOURSK."** No. 2. 22nd February.

SHIPPING—COLLISION—NEGLIGENCE—JOINT NEGLIGENCE OR TWO SEPARATE ACTS OF NEGLIGENCE—ONE DAMAGE—ACTION AGAINST ONE TORT FEASOR—SUBSEQUENT ACTION AGAINST ANOTHER TORT FEASOR.

*In order to constitute a joint tort there must be some connection between the act of one alleged tort feasor and that of the other.*

*Where the loss of the plaintiffs' ship had been caused by two separate acts of negligence of two separate tort feasors and not by the joint act of two tort feasors, the recovery by the plaintiffs of judgment against one tort feasor did not prevent the plaintiffs from proceeding to recover judgment against the other tort feasor afterwards.*

Decision of Hill, J., 1923, P. 206, *affirmed*.

Appeal from a decision of Hill, J., *supra*.

The defendants' ship, s.s. "Koursk," came into collision with a vessel, s.s. "Clan Chisholm," belonging to a third party. The latter vessel then collided with and sank the plaintiffs' ship, s.s. "Itria." The plaintiffs then sued the owners of the "Clan Chisholm," and there were also cross-actions between the owners of the "Clan Chisholm" and the defendants. It was held that the "Clan Chisholm" was to blame for the collision with the "Itria," and that the "Koursk" and the "Clan Chisholm" were both to blame for the collision between those vessels. The plaintiffs recovered judgment against the owners of the "Clan Chisholm," but were unable to recover the full amount of damages against them, owing to limitation of liability under the Merchant Shipping Act, 1894. They thereupon sued the defendants who pleaded that as the plaintiffs had recovered judgment against the owners of the "Clan Chisholm," they could not afterwards recover judgment against the defendants, on the principle that, having recovered judgment against one joint tort feasor, they were not entitled to proceed against the other joint tort feasor. The collisions happened on 18th April, 1918, when those three vessels and others were in the Mediterranean under convoy. Hill, J., held that the "Koursk" was also to blame for the collision between the "Itria" and "Clan Chisholm," and that there were two separate acts of negligence, and he gave judgment for the plaintiffs. The defendants appealed.

BANKES, L.J., after referring to the facts, said: The question for decision is whether the rule originally laid down in *Brooms* v. *Wooton*, Yelv. 67, and approved in *King* v. *Hoare*, 13 M. & W. 494, and accepted in *Brinsmead* v. *Harrison*, L.R. 6 C.P., 584; affirmed in Exchequer Chamber L.R. 7 C.P. 547, applies to the facts of this case. The rule shortly stated by Willes, J., in the last-mentioned case is this: If two commit a joint tort, the judgment against one is, of itself, without execution, a sufficient bar to an action against the other for the same cause. It is a curious fact that, at any rate, so far as my researches go, the question of what constitutes a "joint tort" or "the same cause" within the meaning of the rule has never been closely considered in any reported case. The test whether this rule applies or not has sometimes been said to be whether the cause of action against the two persons said to be joint tort feasors is the same or different. I think that this cannot be considered an exhaustive test, as I can imagine cases in which, as against two obvious tort feasors, it would be quite possible to frame two quite distinct causes of action in respect of the injury caused by the joint tort. As an instance I may take the case where A, B and C conspire to assault X, and A and B commit the assault. X would have a cause of action for assault and battery against A and B, and quite a separate cause of action against C, for the conspiracy, if he elected to proceed against the joint tort feasors separately. In *King* v. *Hoare*, *supra*, Parke, B., undoubtedly adopts this cause of action test, where he says that, if there be a breach of contract, or wrong done, or any other cause of action by one against another, and judgment be recovered in a court of record, the judgment is a bar to the original cause of action, because it is thereby reduced to a certainty, and the object of the suit attained, so far as it can be at that stage; and it would be useless and vexatious to subject the defendant to another suit for the purpose of obtaining the same result. Hence the legal maxim—*transit in rem judicatam*—the cause of action is changed into a matter of record which is of a higher nature, and the inferior remedy is merged in the higher. This appears to be equally true where there is but one cause of action, whether it be a single person or many. The learned judge appears to me to be dealing with a case where there is only one possible cause of action, or substantially only one cause of action as he speaks of the cause of action "being single." In such a case the test is no doubt an accurate one. But it is quite common to speak of each of two separate tort feasors as joint tort feasors in the sense that where each has contributed to the injury complained of, each is liable for the whole of the damage done. In my opinion the use of the expression in such circumstances is inaccurate and misleading.

[His lordship then referred to a dictum of Collins, L.J., in *Thompson* v. *London County Council*, 1899, 1 Q.B. 840, and continued:] The Lord Justice mentions the interval of time in support of his view, but not as the foundation of it. It is easy to put instances the mere mention of which indicates that the law must require something more than the single *damnum* to convert two quite separate and distinct torts into a joint tort. For instance, A, who wishes to approach B's house to commit a burglary, trespasses on his land and crosses a brook by an already damaged bridge, which he seriously weakens by his weight. Next day, C, wishing to approach the same house, mistaking it for that of a friend, trespasses on B's land, and, in crossing the same bridge, breaks it completely down by his weight. Can it possibly be said that the damage to the bridge was caused by a joint tort, or that A and C are joint tort feasors? I think not, and if this view is correct, it follows that in order to constitute a joint tort, there must be some connection between the act of the one alleged tort feasor and that of the other. Persons are said to be joint tort feasors when their respective shares in the commission of the tort are done in furtherance of a common design: see Clerk and Lindsell on Torts, 7th edition, at p. 59. The same authors say at p. 60: "There must be concerted action towards a common end." I am not sure that the rule is here stated sufficiently widely to cover every possible case, though it clearly supports the general conclusion as to the law which I have already indicated. Applying the rule thus explained to the facts of the present case, it seems to me clear that the judgment of Hill, J. was right. The negligence of those in charge of the "Koursk" was not keeping station and running into the "Clan Chisholm." This negligence clearly contributed to the loss of the "Itria." As the learned judge has found, after the collision with the "Koursk," the "Clan Chisholm" could not have avoided the collision with the "Itria." The negligence of the "Clan Chisholm" contributed both to the collision with the "Koursk" and to the consequent collision with the "Itria." The *damnum* no doubt is only one, and the act of negligence of each contributed to that *damnum*, but the acts of negligence are still, in my opinion, separate. They began, and they continued, and they ended, as separate acts, and they never became a joint act. For these reasons the appeal fails and must be dismissed, with costs.

SCRUTTON and SARGANT, L.JJ., delivered judgments concurring in dismissing the appeal.—COUNSEL: *Dunlop*, K.C., and *Dumas*; *D. Stephens*, K.C., and *Darby*. SOLICITORS: *Wallons & Co.*; *William A. Crump & Son*.

[Reported by T. W. MORGAN, Barrister-at-Law.]

# High Court—Chancery Division.

**MONTEIRO** *v.* **COTTERELL AND MINTER.**

Russell, J. 18th July.

PRACTICE—ACTION—NOTICE OF DISCONTINUANCE AFTER ENTRY FOR TRIAL—EFFECT.

*Once an action is entered for trial a plaintiff cannot discontinue without either the written consent of the parties or the leave of the court, and accordingly a notice of discontinuance under R.S.C. Ord. 26, r. 1, served by the plaintiff after the action had been entered for trial by the defendants was held ineffective.*

Matthews *v.* Antrobus, 1879, 49 L.J., Ch. 80, *followed*.

Witness action. The plaintiff, who was a puisne mortgagee, brought this action against the defendants to restrain the defendant Cotterell, who was the first mortgagee, from selling the mortgaged premises under a power of sale which had long since become operative to the other defendant Minter. The case not having been set down for trial by the plaintiff, the defendants set it down on the 5th June last. On the 26th of June the plaintiff purporting to act under Order 26, r. 1, gave the defendants notice of discontinuance. This the defendants refused to accept, as they contended that the action having been entered for trial the plaintiff could not discontinue without either the written consent of the parties or the leave of the court. The defendants contended that the action be dismissed with costs.

RUSSELL, J., after stating the facts, said: This is a witness action which is in the list for trial and comes before me in the ordinary way. The plaintiff has served notice of discontinuance which it is contended has put an end to the action. The defendants say that the notice having been served after the cause had been entered for trial is bad, and ask that the action be dismissed, with costs. The question whether or not the notice is effective depends upon the true construction of Order 26, r. 1 of which provides that "the plaintiff may, at any time before receipt of the defendant's defence or after the receipt thereof before taking any other proceeding in the action (save any interlocutory application) by notice in writing, wholly discontinues his action . . . Save as in this rule otherwise provided it shall not be competent for the plaintiff to withdraw the record or discontinue the action without leave of the Court or a Judge." Under r. 2 it is provided: "When a cause has been entered for trial it may be withdrawn by either plaintiff or defendant upon producing to the proper officer a consent in writing signed by the parties." These two rules must be read together, and it has already been decided by Hall, V.-C., in *Matthews* v. *Antrobus*, *supra*, that the part of r. 1 which enables the plaintiff to discontinue without leave does not apply after the action is entered for trial. That was a decision on the construction of Order 23 of the orders then in force, and rr. 1 and 2 of that order were in the same terms as rr. 1 and 2 of the first Order 26. The learned judge then said: "The first point on behalf of the plaintiff is that there having been no statement of defence delivered, it is competent to him by some means by proceeding according to the old practice or in some other way to get rid of his action. I cannot so read the first rule of Order 23, for it is plainly shown by the other rules that neither party can act thereunder after the action has been entered for trial. In my opinion this notice, on the authority of *Matthews* v. *Antrobus*, *supra*, was not effective, and as on the case coming before me for trial the plaintiff did not open the action, it will be dismissed, with costs."—COUNSEL: *Lavington*; *C. E. Harman*; *H. A. Rose*. SOLICITORS: *Nash, Field & Co.*; *Brundrett, Whitmore & Randall*; *Freeman, Haynes and Co.*

[Reported by L. M. MAY, Barrister-at-Law.

# High Court—King's Bench Division.

**RICKETTS** *v.* **COLQUHOUN.** Rowlatt, J. 30th June.

REVENUE—INCOME TAX—SCHEDULE E—TRAVELLING EXPENSES—WHETHER DEDUCTIBLE—INCOME TAX ACT, 1918, 8 & 9 Geo. 5, c. 40, Sched. E, r. 9.

*The Recorder of a provincial town, being a practising barrister in London, claimed to be entitled to deduct from the assessment to income tax in respect of the emoluments of the office of Recorder travelling and hotel expenses in respect of the occasions on which it was necessary for him to hold a court.*

*Held, that, having regard to the authorities, he was not entitled to make the deductions.*

Cook *v.* Knott, 2 Tax Cas. 246, *and* Revell *v.* Elworthy Brothers & Co., 3 Tax Cas. 12, *referred to*.

Case stated by the Commissioners for the general purposes of the Income Tax Acts. An appeal was made by Mr. G. W. Ricketts, Barrister-at-Law, Recorder of Portsmouth, against an assessment to income tax made upon him for the year 1923-1924 in respect of his office as Recorder of Portsmouth. The amount of the assessment was £250. He claimed to be entitled to deduct a sum of £8 5s. in respect of travelling expenses between London and Portsmouth and a sum of £5 in respect of hotel expenses at Portsmouth. It was not disputed by the Crown that the sums so claimed were reasonable if the deductions were allowable. The appellant was required under the provisions of s. 165 of the Municipal Corporations Act, 1882, 45 & 46 Vict., c. 50, to hold a Court of Quarter Sessions once in every quarter of a year, and he based his claim, to be allowed the deductions, on r. 9 to Schedule E of the Income Tax Act, 1918. The Commissioners were of opinion that he was not entitled to the deductions and they stated this case. By r. 9 it is provided: "If the holder of an office or employment of profit is necessarily obliged to incur and defray out of the emoluments thereof the expenses of travelling in the performance of the duties of the office or employment, or of keeping and maintaining a horse to enable him to perform the same, or otherwise to expend money wholly, exclusively, and necessarily in the performance of the said duties there may be deducted from the emoluments to be assessed the expenses so necessarily incurred and defrayed."

ROWLATT, J., delivering judgment, said that, though the case raised a question of considerable hardship, he felt bound by the authorities to decide in favour of the Crown. It had been decided in *Cook* v. *Knott*, 2 Tax Cas. 246, and *Revell* v. *Elworthy Brothers & Co.*, 3 Tax Cas. 12, that a person could not claim to deduct travelling expenses from his place of residence to his place of business. A Recorder must be a barrister of five years' standing, but the fact that he practised in London did not appear to be material, as the statute did not enact that the Recorder must be a practising barrister. The appeal must be dismissed.—COUNSEL: *Sir John Simon*, K.C., *Konstam*, K.C., and *W. Allen*; *Sir Patrick Hastings*, A.-G., and *R. P. Hills*. SOLICITORS: *Clowes, Hickley & Heaver*; *Solicitor of Inland Revenue*.

[Reported by J. L. DENNIS, Barrister-at-Law.]

# In Parliament.

## House of Lords.

23rd July. Management of Public Houses. Lord Lamington moved :—

"That it is desirable that an inquiry should be made, and a report made to Parliament, on the different systems of distinterested management of licensed houses, and in particular on the working of the licensing system in Carlisle."

Viscount Astor moved an amendment :—

"And that it is also desirable that a similar inquiry should be made into the operations of the drink trade in some other English town or towns of similar character to Carlisle where the drink trade is conducted for private profit."

The Marquis of Salisbury, Viscount Grey, and others spoke.

The Lord Chancellor (Viscount Haldane), in indicating the view of the Government, said: The Government cannot take either the original Motion or the Amendment as sufficient, but they are prepared, if these Motions are not insisted upon, to proceed with the effort to frame an inquiry in such a fashion as will, I hope, give satisfaction to those who have spoken in this Debate, and at the same time will not run away into that which, I agree with Lord Grey, is a very great evil—I mean that the inquiry should diffuse itself into too wide a volume. We have suffered, as he said, above everything from the temperance question not having become practical, and what we are anxious to do is to see whether we can give any practical form to an inquiry which may have fruitful results in the shape of something which can be presented in a Bill.

Viscount Grey: Supposing the Motion is carried, will the Lord Chancellor still consider that his undertaking holds good? And will he produce a Motion of his own, drafted in his own terms? Because I shall be reluctant to vote for this Motion if it means that the noble and learned Viscount's undertaking is withdrawn.

The Lord Chancellor: I did not say so. The Government propose to hold an inquiry, and also to draft their terms of reference, but those terms will not necessarily have reference to the Motion of the noble Lord. If your Lordships insist on passing that Motion it will not affect the purpose of the Government inquiry.

Amendment negatived. Motion agreed to.

Workmen's Compensation (Silicosis) Bill. Read a Second time and committed to a Committee of the whole House.

Legitimacy Bill. Considered on Report. On Clause 1, Legitimation by subsequent marriage, the Earl of Midleton moved a series of Amendments with the object of making s-s. (5) read as follows :—

"No person whose parents have married after the passing of this Act shall be legitimated, nor shall the birth of any such person be re-registered under this Act, unless both parents shall avow in writing at or before the date of the marriage, the paternity of such person, and the regulations to be made under this Act by the Registrar-General shall make provisions for such avowals : Persons who have married one another before the passing of this Act must make their avowal in writing at some time during their joint lives and provision for this purpose shall be made in the regulations. In all other cases legitimacy must be established by proof of parentage and marriage of such parents."

Amendments agreed to.

Conveyancing (Scotland) Amendment Bill. Considered in Committee and reported without amendment.

24th July. Circuit Courts and Criminal Procedure (Scotland) Bill. Read a Second time and committed to a Committee of the Whole House.

Limitation of Armaments. Discussion introduced by Viscount Grey.

Unemployment Insurance (No. 2) Bill. Read a Second time and committed to a Committee of the Whole House.

28th July. Law of Property Act (Postponement) Bill. Considered in Committee and reported without amendment.

Unemployment Insurance (No. 2) Bill. Considered in Committee.

London Traffic Bill. Considered on Report.

Workmen's Compensation (Silicosis) Bill. Considered in Committee.

29th July. Summary Jurisdiction (Separation and Maintenance) Bill. Read a Second time and committed to a Committee of the Whole House.

Finance Bill. Read a Second time. Committee negatived.

Legitimacy Bill. On Third reading, drafting amendments made. Bill passed and returned to Commons.

Housing (Financial Provisions) Bill. Read a Second time and committed to a Committee of the Whole House.

Law of Property (Postponement) Bill and Workmen's Compensation (Silicosis) Bill. Read a Third time and passed, and sent to the Commons.

## House of Commons.

### Questions.

#### ALLOTMENTS.

Sir KINGSLEY WOOD (Woolwich, West) asked the Minister of Health whether he is aware that the recent National Congress of Allotment Holders at Sunderland passed a resolution calling for the provision of blocks of land adjacent to housing sites as permanent allotments and that it should be made compulsory upon local authorities to reserve land for permanent allotments in any scheme under the Town Planning Acts, 1909 and 1919; and what action he proposes to take?

Mr. WHEATLEY: Land is frequently reserved for permanent allotments under town-planning schemes, and local authorities are encouraged to take this course. The question whether land should be so reserved in any particular scheme must, however, depend on the character of the area for which the scheme is prepared, and I do not think that reservation could properly be made compulsory in every scheme. (23rd July.)

#### STREET IMPROVEMENTS (LAND ACQUISITION).

Mr. GREENE (Worcester) asked the Chancellor of the Exchequer in view of the fact that the instructions issued by the Inland Revenue Department to district valuers, while authorising them to assist local authorities who require to purchase land for schemes of street improvement, by preparing valuations of the land to be acquired for the schemes, preclude the district valuers from giving separately the value of each owner's land included in a scheme so that the authorities have not the benefit of the district valuer's opinion when negotiating with the various owners, whether he will consider whether the instructions can be so amended as to make the district valuer's work of practical use to local authorities?

Mr. SNOWDEN: Where a local authority is purchasing property for street improvements and requires the sanction of the State to borrowing for the purpose, the Inland Revenue Valuation Office usually advises the sanction Department as to the probable cost of the purchase as a whole. For purposes of convenience this general estimate is transmitted through the Local Authority. It would be impracticable to supplement it by details of the estimated cost of acquisition of separate interests in the land concerned. (24th July.)

#### DISTRICT PROBATE REGISTRIES (REORGANISATION).

Mr. CAPE (Workington) asked the Financial Secretary to the Treasury (1) if, having regard to the discontent due to the low salaries paid to the majority of district probate registry clerks, the Treasury will immediately raise the minimum salary of each permanent clerk pending the reorganisation scheme being put into force; (2) if he can give an approximate date when the proposed scheme will be put into operation, in accordance with the findings of the Tomlin Committee, dealing with the district probate registries, particularly as regards the establishment of the officers and better remuneration for this class of public servant?

The ATTORNEY-GENERAL: I have been asked to reply. I am informed that the scheme of reorganisation of the District Probate Registries is under active consideration, but that in view of the many intricate and detailed questions involved, on some of which it will be necessary to consult representatives of the staffs, it is not yet possible to give an approximate date when the reorganisation can be put into operation. Legislation will probably be required. The application of the revised scales of pay may involve, among other considerations, a review of existing complements, and it has not been found practicable to take the steps suggested by the hon. Member.

#### COMPANIES (STAMPING).

Sir J. HOOD (Wimbledon) asked the Chancellor of the Exchequer whether the practice of the Board of Inland Revenue of not holding the registering officer of a limited company responsible under Section 17 of the Stamp Act, 1891, if he accepts for registration without question the sufficiency of the stamp thereon a transfer bearing a certificate by a marking officer of the Board of Inland Revenue that the transfer is passed for stamping with the 10s. nominal consideration duty stamp, applies to a case where a registering officer accepts a transfer bearing such a certificate signed by a marking officer of the Board of Inland Revenue of the Irish Free State; and, if not, to remove any doubts or difficulties, whether, in such cases, he will issue instructions either that a transfer certified by a marking officer of the Board of Inland Revenue of the Irish Free State may be accepted by the registering officer of a company in the same manner as he would accept a certificate of a marking officer of

Kingsley Wood.

SIR KINGSLEY WOOD, M.P.

the Board of Inland Revenue, or that such transfers are not to be accepted unless certified by the marking officer of the Board of Inland Revenue or adjudicated ?

Mr. SNOWDEN: The answer to the first part of the question is in the negative. As regards the second part, there are many cases in which registering officers are quite competent to decide whether a transfer is sufficiently stamped with 10s., and it would therefore be unnecessary to require all transfers to be certified by a marking officer of the Board of Inland Revenue or adjudicated. It is, of course, always open to a registering officer to require adjudication in any case where he has any reason to doubt the sufficiency of the stamp.

### SMALL DWELLINGS ACQUISITION ACT.

Sir F. WISE (Ilford) asked the Minister of Health the amount advanced under the Small Dwellings Acquisition Act and increase in the amount the last twelve months ?

Mr. WHEATLEY: Information is not available showing the actual amounts advanced by local authorities under the Small Dwellings Acquisition Acts, but the following table shows the total amount of loans sanctioned by my Department under the Acts during each year from 1919 for the purpose of making advances :—

| Year ended 31st December. | Total amount of loans sanctioned. £ |
|---|---|
| 1919 .. .. .. .. .. | 5,838 |
| 1920 .. .. .. .. .. | 197,778 |
| 1921 .. .. .. .. .. | 96,528 |
| 1922 .. .. .. .. .. | 30,795 |
| 1923 .. .. .. .. .. | 569,062 |
| 1924 (up to 23rd July) .. .. .. | 2,192,215 |

### REGISTRAR OF FRIENDLY SOCIETIES (SHORTHAND TYPISTS).

Mr. W. THORNE (West Ham) asked the Financial Secretary to the Treasury how many shorthand typists have been dismissed from the Registry of Friendly Societies in consequence of a battery of dictating machines being substituted for shorthand writers; what amount of money will be saved in consequence; and whether the shorthand typists have been dismissed or placed in other Departments ?

Mr. W. GRAHAM: On the installation of dictating machines in the Registry of Friendly Societies the services of six shorthand writers were dispensed with. The saving consequent upon the change is estimated to be in the neighbourhood of £500 per annum. The six shorthand writers were transferred to other Departments in which vacancies existed. (28th July.)

## Bills Presented.

Coal Mines (Washing and Drying Accommodation) Bill—"to render compulsory the provision of washing and drying accommodation at Coal Mines": Mr. Shinwell. [Bill 223.] (24th July.)

Allotments Bill—"to facilitate the acquisition and maintenance of permanent allotments and to make further provision for the security of tenure of tenants of allotments": presented by Sir Kingsley Wood. [Bill 224.]

Canals (Continuance of Charging Powers) Bill—"to provide for the continuance of charging powers in respect of canal or inland navigation undertakings of which possession was retained or taken by the Minister of Transport under the Ministry of Transport Act, 1919": Mr. Gosling. [Bill 225.] (28th July.)

## Bills under Consideration.

23rd July. Finance Bill. Motion for Second reading, after debate, agreed to.

Old Age Pensions Bill. As amended, considered. Mr. Snowden moved in Clause 1 (Amendment of statutory condition as to means) to insert the words: "(2) In this Act the expression 'earnings' means money or money's worth which a person receives or acquires as a result of work presently performed by him."

After discussion, amendment by leave withdrawn.

Pensions (Increase) Bill, as amended, considered.

24th July. Housing (Financial Provisions) Bill. As amended, considered.

Old Age Pensions Bill and Pensions (Increase) Bill. Read the Third time and passed.

25th July. Housing (Financial Provisions) Bill. Motion for Third reading. Amendment for Rejection (Mr. S. Roberts), rejected by 226 to 131. Bill read the Third time and passed.

28th July. Agricultural Wages Bill. As amended in the Standing Committee, considered, and after debate, read the Third time and passed.

# New Rules.

## High Court of Justice.

### LONG VACATION, 1924.

NOTICE.

During the Vacation, up to and including Friday, 5th September, all applications "which may require to be immediately or promptly heard," are to be made to the Hon. Mr. Justice Tomlin.

COURT BUSINESS.—The Hon. Mr. Justice Tomlin will, until further notice, sit in the Lord Chief Justice's Court, Royal Courts of Justice, at 10.30 a.m., on Wednesday in every week, commencing on Wednesday, 6th August, for the purpose of hearing such applications, of the above nature as, according to the practice in the Chancery Division, are usually heard in court.

No case will be placed in the Judge's Paper unless leave has been previously obtained or a Certificate of Counsel that the case requires to be immediately or promptly heard, and stating concisely the reasons, is left with the papers.

The necessary papers, relating to every application made to the Vacation Judges (see notice below as to Judges' Papers), are to be left with the Cause Clerk in attendance, Chancery Registrars' Office, Room 136, Royal Courts of Justice, before 1 o'clock, two days previous to the day on which the application is intended to be made. When the Cause Clerk is not in attendance, they may be left at Room 136, under cover, addressed to him, and marked outside "Chancery Vacation Papers," or they may be sent by post, but in either case so as to be received by the time aforesaid.

URGENT MATTERS WHEN THE JUDGE NOT PRESENT IN COURT OR CHAMBERS.—Application may be made *in any case of urgency*, to the Judge personally (if necessary), or by post or rail, prepaid, accompanied by the brief of counsel, office copies of the affidavits in support of the application, and also by a minute, on a separate sheet of paper, signed by counsel, of the order he may consider the applicant entitled to, and also an envelope, sufficiently stamped, capable of receiving the papers, addressed as follows: "Chancery Official Letter: To the Registrar in Vacation, Chancery Registrars' Office, Royal Courts of Justice, London, W.C.2."

On applications for injunctions, in addition to the above, a copy of the writ, and a certificate of writ issued, must also be sent.

The Papers sent to the Judge will be returned to the Registrar.

The address of the Vacation Judge can be obtained on application at Room 136, Royal Courts of Justice.

CHANCERY CHAMBER BUSINESS.—The Chambers of Justices Astbury and Lawrence will be open for Vacation business on Tuesday, Wednesday, Thursday and Friday in each week, from 10 to 2 o'clock.

KING'S BENCH CHAMBER BUSINESS.—The Hon. Mr. Justice Tomlin will, until further notice, sit for the disposal of King's Bench Business in Judge's Chambers at 10.30 a.m. on Tuesday in every week, commencing on Tuesday, 5th August.

PROBATE AND DIVORCE.—Summonses will be heard by the Registrar, at the Principal Probate Registry, Somerset House, every day during the Vacation at 11.30 (Saturdays excepted).

Motions will be heard by the Registrar on Wednesdays, the 13th and 27th August, and the 10th and 24th September, at the Principal Probate Registry at 12.15.

Decrees will be made absolute on Wednesdays, the 6th and 20th August, the 3rd and 17th September and the 1st October.

All Papers for Motions and for making Decrees absolute are to be left at the Contentious Department, Somerset House, before 2 o'clock on the preceding Friday.

The Offices of the Probate and Divorce Registries will be opened at 10 a.m. and closed at 4 p.m., except on Saturdays, when the Offices will be opened at 10 a.m. and closed at 1 p.m.

JUDGE'S PAPERS FOR USE IN COURT.—Chancery Division.—The following Papers for the Vacation Judge, are required to be left with the Cause Clerk in attendance at the Chancery Registrars' Office, Room 136, Royal Courts of Justice, on or before 1 o'clock, two days previous to the day on which the application to the Judge is intended to be made :—

(1) Counsel's certificate of urgency or note of special leave granted by the Judge.

(2) Two copies of writ and two copies of pleadings (if any), and any other documents showing the nature of the application.

(3) Two copies of notice of motion, one bearing a 10s. impressed stamp.

(4) Office copy affidavits in support, and also affidavits in answer (if any).

N.B.—Solicitors are requested when the application has been disposed of, to apply at once to the Judge's Clerk in Court for the return of their papers.

VACATION REGISTRAR.—Mr. Synge (Room 188).

Chancery Registrar's Office,
Royal Courts of Justice,
23rd July, 1924.

# New Orders, &c.

## Home Office.

### COMMITTEE.

The Home Secretary has appointed a Committee to collect information and to take evidence as to the prevalence of sexual offences against young persons and to report upon the subject, indicating any direction in which in their opinion the law or its administration might be improved.

The members of the Committee are :—

Sir Ryland Adkins, K.C. (Chairman), Mr. Henry William Disney, Miss E. H. Kelly, J.P., Miss Clara Martineau, J.P., Dr. A. H. Norris, Mr. R. J. Parr, Mrs. Rackham, J.P., and Sir Guy Stephenson, C.B.

The secretary of the Committee is Miss J. I. Wall, of the Home Office, to whom any correspondence should be addressed.

## Ministry of Health.

### ROYAL COMMISSION ON NATIONAL HEALTH INSURANCE.

The Royal Commission on National Health Insurance will commence to hold meetings for the hearing of evidence in October next.

Any persons or bodies desiring to give evidence should in the first instance communicate *in writing* with the Secretary of the Commission, Mr. E. Hackforth, at the Ministry of Health, Whitehall, S.W.1, stating the main heads of the evidence they desire to submit.

# Societies.

## The Visit of the American Bar Association.

(*Continued from p.* 831.)

## Lincoln's Inn.

At the dinner given by the Treasurer and Benchers to the American Bar Association on Tuesday, 22nd July, Mr. Justice Eve (Treasurer) in the chair,

The Right Hon. THE LORD CHANCELLOR (Lord Haldane), in proposing the toast of "Our Guests, the American Bar Association," referred to his visit to Montreal, at the meeting of the American Bar Association there in 1913, and said : The welcome there was a magnificent welcome. It is as yesterday I sat under the presidency of that most genial and capable man, the late Chief Justice Douglas White, now no more. I had on the platform his present successor, my old friend—for I think I may call him so—Chief Justice Taft. I had Mr. Choate by me, and others, whose names I am afraid it would take too long a time to mention. I will only say there were 324 judges in the audience ; they seemed as plentiful as the sands of the sea. I shall never forget the Theatre of Montreal, nor shall I forget the magnificent welcome ; the drawing together of the two nations, and the impression of energy which I received at every turn. Take the lawyers of your great country ; you may divide them into three types. There is your present Chief Justice, a man of profound experience in affairs, who brings that experience to bear on the legal problems which he has to decide. Then again, take another, whom I am privileged to call an old friend—Oliver Wendell Holmes. Most of us have been brought up on his book on The Common Law, and we recognise it as the work of one who is not only a consummate master of the law, but who is also a ripe and finished scholar. Oliver Wendell Holmes is the Charles Bowen of the American nation. Then there is the third whom I would like to mention in connection with my presentation of this toast. In the United States you have been fortunate in avoiding the gap that there has been here between jurisprudence and the practice of the law. It is partly, I think it is largely, due to your great law schools which have been founded on the principles of jurisprudence and which have led the students on to practice. Anyhow, to-day the results have been extraordinary. Dean Pound is a very remarkable figure at this moment. He has translated law into the terms of the Society out of which it arose ; he has brought the abstract and the concrete together and fused them into their true individuality, and the result has been remarkable. Not only is he exercising a profound influence on American jurisprudence, but it is making itself felt. I do not know that it would be discreet in me to refer to the names of the cities ; but I know of one city, and I also know of another which is contemplating following its example, which has called in American jurisprudents from the American Universities to assist in ordering their judicial and police affairs. The American Bar Association I need not say has been trumpeting that, and has been associating itself with the process. There is a great city (I have read most of the papers connected with the matter) which has been purified from top to toe judicially and in its police by the influence of the school of Dean Pound of Harvard University, taking its teachings and translating them into practice. And so it is with another great city and another University, but there discretion restrains me. Now, gentlemen, there is something for the world to learn : jurisprudence and law not only brought together but brought into practice. No doubt we all of us have something to learn from the others ; but I am one of those who feel, and have felt for long, that in many respects you have got ahead of us in the teaching of the law, and in the way in which you have so fashioned it as to adapt it to the conditions of the twentieth century. It is in the Law Schools of Harvard, it is in the example set by the American Bar Association in its magazine and in its deliberations, and the individual efforts, that I think we have to look for much instruction as to what the law must provide before it satisfies the people among whom it obtains ; and, therefore, it is that, in no formal fashion, but with the conviction of one who has been, I hope in the most real sense, your neighbour, who admires and esteems you, that I propose the toast to-night of "Our Guests."

Mr. LOUIS ST. LAURENT, K.C., LL.D., in the course of his speech on behalf of the Canadian lawyers, said : It is, perhaps, not unfitting in this vast re-union of judges and of lawyers, nearly all nurtured and trained in the niceties of the Common Law of the English-speaking races, that there should be raised the voice of one of the few others who are privileged to be present here this evening, whose inspiration and experience are almost wholly derived from the old Roman Codes, handed down from even earlier centuries. It is not, perhaps, unfitting that a follower of the Civil Law should be allowed to pay a tribute of homage and admiration to that other great system, which, with his own, has done so much to mould modern civilisation and to bring about this state of Society in which the might of all is irrevocably pledged to maintain the right of each. Unfortunately for me, I know very little about the intricacies and niceties of the Common Law system—but, if for purposes of generalisation it be true ; though, of course, it would be quite insufficient for purposes of concrete application to individual cases—that the system of law which obtains in a State may be regarded as the crystallised standard of what is looked upon as good human behaviour in that State, then to admire and respect that great fount of Common Law from which justice has always flowed in wide streams in the King's High Courts of Record, and has there been sub-divided into numerous channels until the whole and every part of the Kingdom has been wonderfully watered and refreshed—to admire and respect that great system one has only to recall the lessons of history. The standard which has been the crystallised standard of good human behaviour throughout the numerous centuries of Britain's history, and throughout the fewer, but no less full, centuries of the history of the Great Republic from which our guests have come, and which is looked upon as the crystallised standard of good human behaviour in those countries at this day, cannot be other than deserving of the highest admiration. The rules of that system must necessarily have followed a process of development, and of improvement, similar to that which made the Civil Code of Rome the most imperishable monument erected by that great Empire. Those rules go on from century to century, not only because they embody the solutions that the best juristic minds of the ages through which they have come have found just and reasonable, but because, in actual experience, they have been adapted to multifarious dealings between man and man, and have been found beneficial and conformable to well-ordered human conduct of free men in organised society. The presence of our guests here this evening is ample proof that unswervable attachment to those rules, and to the general system of which they form part, is not linked up necessarily with politics or constitutional allegiance ; and may I remind our guests that their attachment to the rules of the Common Law of England—as great, no doubt, since their now independent nationhood came into being, as can be that of the Members of the Inns themselves—is paralleled in our Province by our devotion to the Civil Law System which our ancestors took from the Code of Rome and from the customs of Old France. Let it be, then, as a follower of the Civil Law, enjoying its full fruition under the flag of British Sovereignty, that I support the Lord Chancellor in giving you this Toast of our American brethren : may they long cherish and develop the principles of the Common Law of England under the Stars and Stripes of their great Republic.

The Hon. FREDERICK W. LEHMANN, in the course of his reply to the Toast, said : We have come to the home of the Common Law ; the law that is common to England and common to the United States ; but it is a law which, in its practical administration, has tendencies that work towards diversity as well as tendencies which work towards unity. In the adoption of the Common Law system comprehensively by the different States, they all made some reservations, some limitations and some

extensions beyond what is, in England, recognised as a part of the Common Law—the unwritten law. Some of the States extend recognition, as to the Common Law, to the Acts which had been passed before the fourth year of King James I.; others, more consistently, extended like recognition to Acts of Parliament passed before the Revolt of the Colonies. It was well that the Revolt of the Colonies did not sooner occur—that it did not occur until after the conclusion of that war in which the Colonists and the Mother Country joined, the ultimate result of which was to bring the entire American Continent north of the Rio Grande under the dominion of one law, one language and one literature; and to-day there are in that land more than 130 millions of people who claim Chatham's language as their mother-tongue, and Wolfe's great name compatriot with their own. [And after referring to the union of legal functions in American lawyers and the qualifications for admittance to the Bar, he continued:] Now, you protect the integrity and independence of Judges here by a rule appointing to a tenure that endures for life or for good behaviour. Our Federal Judiciary stands upon the same footing, but not our State Judiciary. Three of the forty-eight States provide for a life tenure; forty of the forty-eight provide for an elected judiciary. We have, for example, in the State of Minnesota, seven Supreme Judges, nine Judges of Appellate Tribunals, sixty-seven Judges of Courts of original and general jurisdiction, 115 Probate Courts, and from 2,500 to 3,000 or something in that neighbourhood, minor officials, and they are all elected. But, as a critic said of Wagner's music, it is not as bad as it sounds. In the early days of the pioneer States the requirements with regard to admission to the Bar were necessarily slack. People were fighting for existence; they were struggling to overcome the wilderness, and schools were not at hand, and their facilities for acquiring education were very limited. But, notwithstanding that, there were men that rose to the heights, because they made the most of the opportunities that they had, and the facilities at their command; and the man that does that will surpass in life the man of great opportunities and better facilities who does not make the most of them. That is the explanation of men like Abraham Lincoln. He was not a very good lawyer, but by the intensive study of a few English Classics he attained the purest, clearest, strongest Saxon style in our political literature. We have much, undoubtedly, to learn from each other. We are impressed when we come here with the expedition of business in your Courts, and the certainty of the punishment of crime. We do not approximate to you in those respects. I read in a pamphlet by an English lawyer that at the present time in the Courts of England no honest litigant of ordinary sagacity is in danger of losing his case from a mere technicality, or of being defeated by reason of a mistaken step or an accidental slip. I am sorry to say that we cannot with truth repeat that for ourselves. But we are striving in that direction, and we are encouraged by the example of your achievement.

The Hon. ALTON B. PARKER, in proposing "Our Host, Great Britain," referring to the federation of the American Colonies as States, said: There were thirteen Colonies at the time, and they turned them into thirteen States, with a Constitution governing each State, and into that Constitution they placed these great principles of English liberty which they treasured; they placed them there so that they could not be taken away from them except by an amendment of the Constitution, which would require the vote of the people. Then, lest the National Government which they were creating, for the purpose of settling war problems and other questions, should attempt at some time to get rid of one or two or more or all of these great principles of liberty, there were, as you know, restrictive clauses which prohibited the National Government from ever interfering with any one of these Constitutional provisions. And that was not all. They loved the Common Law. It was the Law they knew. It was the Law that had been builded by Judges here at home, in whom they believed; Judges who have made a wonderful record throughout the history of England, almost without exception; and they determined that the Common Law should govern them exclusively; and so they incorporated into these same State Constitutions those great principles of Common Law by providing, in substance and in effect, that the Common Law, as it existed on a date which was therein fixed, should continue to be the Common Law of that State subject only to amendment by the people themselves; by the Acts of the Legislature and the action of the people. Now those thirteen States have grown to be forty-eight States, and into the Constitution of each and every one of those States has gone precisely that same provision, so that the Common Law is administered in the United States, and in every one of the States, precisely as it is administered here, unless, of course, there should occasionally be a difference of opinion. Now, for this Meeting which we are holding here there have come across the sea more Americans, probably, than you can dispose of easily; but we came over here because in all these people who have come there is the same spirit of kindly affection towards those of the same blood the world over, whether they are in England, or whether they are in Canada; we know that we are indebted to the men over here for the beginnings of all that we have accomplished, and for helping us on and through. We know, or believe we know, that, standing together, the English-speaking people of the world can justly maintain peace. We believe that the descendants of the men and women of Great Britain have tried to be worthy of their ancestors, and that they have tried to make good all the way through; and while they have failed, and have made mistakes, and plenty of them, and we all know it, we all make mistakes—they are all anxious to do right; and that is why 1,540 people have come across the sea in three boats—they have not come on an excursion, they have come with the purpose that we shall testify, by our presence here, that we are willing to work with England, that we are ready to stand with them for the Peace of the World, for Justice and Humanity, for everything that England has struggled for that is worth while.

The Right Hon. Sir DOUGLAS MCGAREL HOGG, K.C., M.P., in replying, said: Mr. Parker in his speech has reminded us of what, I think, is the real significance of our reunion during the present week. It lies in the fact that the bond which, more than any other, unites the English-speaking peoples is the bond of the law; not merely, perhaps, the Common Law, because, although Mr. St. Laurent told us that he was not very familiar with its principles, and although Mr. Lehmann said that he was coming here to the historic home of the Common Law, I am sorry to disabuse their minds by telling them that Lincoln's Inn is the home of Equity—sorry, because I am a Common lawyer. But, if it was the law of England which the Pilgrim Fathers took with them to another and most fertile soil, when they crossed the Atlantic, they have proved how their genius, their determination and their enthusiasm, have been able to develop that law in their continent, as we perhaps hardly should have been able to do, unaided, in ours. I should like on behalf of the English Bar, to say this: that if, as Mr. Parker has told us, the Americans recognise their indebtedness to the Common Law of England, we in England are not slow to admit the contributions which Americans have made to our common stock. It is not only in America that Alexander Hamilton, the framer of the Constitution, is revered. It is not only in the American Courts that the judgments of Chief Justice Marshall are cited with respect. It is not only American lawyers who seek instruction and enlightenment in the writings of Chief Justice Storey. There must be, I think, in this Hall more than one (I see one sitting close by me) who must remember the forensic achievements of Judah P. Benjamin, and even those of us who never listened to his eloquence have profited by his writings. And in America, as in this country, lawyers have not confined themselves to the practice of the law, but have given their talents freely to the political education of their people, and to the administration of the Government of their great country. We remember in the past such names as Daniel Webster and Abraham Lincoln. We have in our own recollection men like Joseph Choate, like Mr. Beck, whose eloquent oration rang in this Hall only last night; men like Mr. Parker, who has just addressed us; and who had the honour, I think, once to be a Presidential candidate in the United States of America; and we recognise that men like Mr. Secretary Hughes and Mr. John Davies have shown that, in your country, as in ours, legal talent and sincere political conviction are not the monopoly of any one party in the State. We over here still regard Mr. Davies as a man who, as Ambassador here, proved himself a real friend of both countries, and our memories are not so short that we have forgotten how Mr. Secretary Hughes, just over two years ago, by his own genius and inspiration, achieved a success, in the Washington Conference, which has, perhaps, done more than any other single event for the conclusion of peace, and to advance that permanent peace which is the ideal of both our peoples. We are conscious that with the Americans, as with the British people, the supremacy of law is a profound conviction; the rule of right and not of might is a passionate belief; we recognise that when that ideal is threatened, sooner or later it will be found, as it was found in the great War, that our people are united in its defence, and will spare no sacrifice to insure its triumph. It is because we recognise these things that we are proud to have the privilege of receiving your visit during the current week.

## Inner Temple.

At the dinner on Tuesday, 22nd July, at the Inner Temple, R. F. MacSwinney, Esq. (Treasurer) in the Chair,

The Rt. Hon. VISCOUNT CAVE, in proposing the toast of "Our Guests," said: We have in this room, I think, not one per cent. of the members of the American and Canadian Bar Association, 20,000 barristers would be a large number for this country, and if, as for other reasons I could wish, you were all going to stay here and compete for the crumbs which fall to the members of our profession, I think some dismay would be felt among our ranks. But that number is not too many to instruct the

minds and defend the liberties of the hundred million people who inhabit that great country across the water. We are all proud of the history and traditions of our law, and may I add, not of the Common Law only, but also of our system of equity, for in the tribute which was paid, and justly paid, yesterday morning, to our Common Law, I missed more than a passing reference to that other great system with which I, among others to-night, including our Treasurer, have been closely connected for many years. Ours is no code of jurisprudence, no machine laboriously and scientifically put together, warranted perfect in all its parts; it has grown; it has grown like some old tree with its knots and its twisted branches, its survivals, its paradoxes, and its hard core of common sense. It is still capable of bearing fruit in moderation for those who cultivate it. In the Case Law of our three nations the advocate will find authority for any proposition which he is minded to put forward, but, on the other hand, the Judge will find the answer in Coke, or in Hale, or in Blackstone, or in Storey, in some judgment of Ellenborough, or of Mansfield, or of Hardwicke, of Parke, or of Blackburn, or, I come down to later days, of Watson, or of Macnaghten, or of Marshall, or of Holmes. All these are great names to all lawyers on both sides of the Atlantic. It is their wisdom, their sense of justice, which we inherit and by which we are all guided to-day. But, when all is said of the common sources of our legal knowledge, there remains one bond which is greater still, the greatest bond of all, that is our common reverence for the honour of our profession. Those qualities of fair play and just treatment, of courage in the face of authority, of steadfastness in resisting popular clamour—these qualities belong, I hope and believe, to all of us alike; they leaven the whole. It is this which has made the British and American system of justice the envy of the world.

One personal note, and I have done. We miss some names among our guests, and one which I should like to mention is that of Chief Justice Taft, whose human eloquence and whose infectious laugh all those who know him would gladly have heard in this Hall to-night. I will read you only a few words of a letter which I received from him only three days ago. He says, "I am not able to go to London this summer. It is a great personal disappointment to me. My doctors tell me that I must have a long rest of three months if I am to renew my judicial duties with any effectiveness in October. I have been looking forward to the trip with enthusiasm. I know it will do great good"; and then, later on, he adds, "I wish I could take part and meet again my dear friends of the English Bench and Bar."

The Hon. JOHN B. M. BAXTER, P.C., K.C., D.C.L., M.P., speaking on behalf of the Canadian Bar, said: It is not without some feeling of great trepidation that I rise to speak, coming from one of the smaller provinces of the Dominion of Canada, in a very limited sense, to discover and perhaps create a link between the Bar of England and the Bar of the United States. But the geographical position of Canada is such, and her political complexion is such, that I think we form the bridge, if any bridge be necessary in these days, between the great body of thought in this country to which we must all, Americans and Canadians as well, turn with the idea of home, and the other lands in which we live and have our being and regard as primarily our home; because the great traditions belong to all of us, for we come from the old stock that has conquered the seas, and that has established order and justice throughout the lands. For over a century that long thread of boundary between Canada and the United States of over 3,000 miles has been the scene of unbroken peace. It is true that at times storm clouds have gathered, but they have been but passing clouds, and they have never shed upon either land the red ruin of war, and they never shall. The need of the age, I think, especially in our own countries, is that the mob, if there must be a mob, shall be guided, and directed to better things. The greatest danger in our public life is that constantly recurring tendency to pander to the thing that seems to be sought by the greater part of the multitude. We can do it, and if we do it we debase our politics and we ruin our profession. Lord Cave has referred, in terms which I gladly and warmly second, to the great work done by the Chief Justice of the United States. It is not long since I was at the Convention of the American Bar Association at San Francisco, and I saw the culmination of the painful and almost tedious work that he had performed here in investigating your judicial system. He is a man who has held the highest office in his State, and a man who has been appointed to an office perhaps almost as great. He was not content with confining his activities to the daily routine of arduous duties, but he sought new fields of labour for the benefit of the great profession of the law, and I saw with what infinite tact he introduced these ideas to that great Convention assembled in San Francisco, and attained the unanimous concurrence of that magnificent body. There are great tasks both from a legal aspect and from the political aspect to be performed, and the Bar has never yet failed in taking its place in the forefront of such work and it will not fail now.

The Hon. ARTHUR P. RUGG (Chief Justice of the Supreme Court of Massachusetts), in replying, re-called a series of great names connected with the Inner Temple, and said: The greatest of all on the Roll is Sir Edward Coke, whose portrait looks down upon this assembly from yonder wall. We of America have especial reason to reverence the memory and appreciate the services of Lord Chief Justice Coke. His contest with James I in restraining the assertion of the Royal Prerogative to the derogation of the rights of Parliament has made his name revered in England, I fancy, above all those who have held that great office, but in our country we have another and a distinct cause for remembering his services to jurisprudence, and to the establishment of democratic institutions. There are some utterances of Coke to the effect that an Act of Parliament which is contrary to natural right is not a law. Of course, that proposition arouses derision in this day in an audience in England. But let me remind you that in 1770 and onwards, when the clouds began to lower upon the relations between the Colonies which were on the other side of the Atlantic, and the Mother Country, the name of Edward Coke and those utterances of Edward Coke were on the lips of the orators of our country as justification for resistance to the authority of Parliament. Those utterances were of great weight in leading the convictions of the people on to the point of an open breach. Much beyond that, there is a debt which is not often adequately recognised, I think, even in our own country. That proposition, that an Act of Parliament contrary to natural right was of no force and effect, became so widespread in the political discussions of our day preceding the separation of the Colonies from the Mother Country that it became the political fate of our people. The natural rights of the individual as against the desires of a majority were embodied in our Constitutions, and every Constitution of the forty-eight of our several States and the Constitution of the United States itself inserted those imperishable guarantees of personal liberty and of individual right which our common ancestors put into Magna Charta and which have gone down as the tradition of the practice and administration of justice in England. In our country they have been embodied in the Constitution, where they are beyond the power of legislation, and where it becomes the sometimes painful but always important and unescapable duty of the Courts to declare that an Act of Legislation which impinges upon those sacred personal rights is no law. We have put in our Constitution that the right of *Habeas Corpus* shall not be denied, that the right to accumulate and possess property shall not be interfered with, and all these other guarantees which are so familiar to us on the American side as constitutional rights, I think, can be traced back to these utterances of Lord Coke, which were so seriously taken up and adopted and have been followed all these years in our own country. It gives us, representing the American Bar, great pleasure, and an unanticipated pleasure, to come here and in their own Inn of Court pay tribute to their associates of the twentieth century, and acknowledge the obligations which we on our side of the Atlantic owe to your great fellow Member of this Society. We from the American Bar who have come on this occasion are ambassadors of goodwill from our country. We were lately allies in the great war. That association has come to an end, but the influences of a common language, a common literature, and a common kinship, are bound to endure. It is unthinkable that between our two great nations there should ever be a resort to other than peaceful means for the settlement of whatever disputes may arise. Our two nations, each in their own way, are bound to strive for international comity and for the general peace of the world. We of the Bar of both countries have no mean obligation in doing our part to see that international goodwill spreads and grows, and that the peace of the world is not broken.

The Hon. J. HARRY COVINGTON, in proposing "Our Hosts," said: In Westminster Hall the other day, we felt, as never before, that America in a very real sense was a British creation, and in saying that, it is not meant in a feeling of false modesty, that America has been less vigorous, or less independent, or less a figure in the world by reason of the creation. Each nation has, as the centuries have gone on since the earliest founding of the colonies and the separation which later came, followed its own way; each has in a peculiar sense been the harbinger of free government to guide the other peoples of the world; each, as a matter of fact, has been in the vanguard of civilisation, each has been practically for all time since the beginning of the days of real English liberty, the great monument of progressive and human civilisation. Your great historian, Hume, has said that all the best machinery of government is ultimately for one purpose, the attainment of justice. Nowhere else on the face of the globe has constitutional government, founded upon impartiality and liberty, been encouraged to the degree of success that it has been in England and America. By very reason of that fact we, as English and American lawyers, have a pre-dominant duty in the world at this time. Liberty under the law is the only liberty worth having. When we cease to have

an administration of justice which is fearless, which is impartial, which is tempered with mercy, we cease to have the sort of government under which men can live and have their being in a true spirit of happiness.

The Rt. Hon. VISCOUNT ULLSWATER, G.C.B., in replying, said: In the time of Edward I, an ancestor of mine was one of the leaders of the Bar, and if you turn to the first Year Book (if you have such a book in your possession, which I should think is very doubtful) you will find the name of Lowther appearing in almost every recorded case. But my hereditary right to speak does not rest upon that alone, for I must introduce myself as a grandson of Baron Parke. Now, Baron Parke's judgments are as well known, I believe, in America as they are in this country, and I am glad to think that they are still occasionally quoted as being the very last thing that can be said upon a particular topic. I feel sure that in this assembly we are all agreed that the Profession of the Law is the finest Profession in the world. We agree with what was said by a great writer: "The independence of the Bar is a bulwark for our citizens against the rage and the violence of authority, against the violation of law, against unjust prosecutions. We have everything to dread if it be weakened; we have no reason to despair while it is maintained and respected." I am sure that our two countries will agree upon that if they do not agree upon anything else. But our views with regard to the law are common. We also hold in common the traditions of the Bar and the etiquette of the Bar. As at Westminster, so here, we are assembled on historical ground. You have been told how the Knights Templar occupied this ground, and how the lawyers some six centuries ago ousted them from their possessions. Ben Johnson, in the reign of Queen Elizabeth, called these places, the Inns of Court, the noblest nurseries of humanity and liberty; and Edmund Spenser, the Poet, referred to—

> "Those bricky towers
> The which on Thames broad aged back do ride,
> Where now the studious lawyers have their bowers,
> There whilom wont the Temple Knights to bide,
> Till they decayed through pride."

The Inner Temple, I believe, is held in great respect in America. A friend of mine, a good many years ago, when a student of the Inner Temple, was in Washington on the occasion of a great ceremony, probably the installation of the President taking place. He found it difficult, not to say impossible, to get in to witness the ceremony, but he stepped forward to one of the janitors on the door, and said: "Sir, I am a student of the Inner Temple," upon which the man at once took off his hat and passed him into one of the best places. I can only say, on behalf of the Hosts, that I thank you for your presence here, that we have been delighted at your visit, that we are very grateful for your company, and that we can only trust that during your all too brief stay you will be pleased with all that you see, both of the Temple and of what remains of London outside.

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## Middle Temple.

At the dinner at the Middle Temple on Tuesday, the 22nd ult., Sir Robert Wallace, K.C. (Treasurer) in the chair.

THE CHAIRMAN: My Lords, Ladies and Gentlemen—Before calling upon Lord Phillimore, may I be allowed, as the Treasurer of this Inn, on behalf of its members, to offer you to-night a most cordial welcome to this Hall. Some of the makers of your Constitution in America and some of the signers of your celebrated Declaration of Rights were members of this Inn, and in the Treasurer's room here, if anyone cares to enter to-night and look, they will see hanging there a copy of the Declaration of Independence and attached to it the signatures. In later years you have enriched our Bench by giving us some of your most prominent jurists. If I speak of the dead may I mention the name of Mr. Choate, a name held in reverence by every one who knew him. Of those who are Benchers here but not present to-night may I refer to Chief Justice Taft, and the ex-Ambassador, Mr. John W. Davis. And we have present with us here to-night your own Ambassador from the United States, known by ancient usage in this Hall as Master Kellog, who has shown that it is possible to have great love for his own country and great regard for its higher interests, and yet at the same time have a great deal of sincere friendship with the people amongst whom his lot is cast. I have very great pleasure in calling on Master Lord Phillimore to propose the toast of the evening.

Master LORD PHILLIMORE, in proposing the Toast of "Our Guests," referred to the dinner given in that Hall twenty-four years ago, on the 27th July, to American judges and barristers, on their way to England to take part in a conference of the International Law Association at Rouen, presided over by Lord Chancellor Halsbury, at which the principal guest was Mr. Joseph Choate and continued: At that very distinguished gathering almost everything that could have been said in those days about America (Canada was not represented), about the mutual regard of the United States and England for each other, of their Common Law, their common principles of legal morality and professional courtesy and duty, of their common literature and of their interchange of their lighter literature—almost everything that could be said on that occasion was said, and not so much is left to me were it not for the recent events of later years that have brought us more closely together than ever. May I address you in four lines only from one of our later English poets, Alfred Noyes:—

> "You that have gathered together,
> The Sons of all races, and welded them into one,
> Lifting the torch of your freedom,
> That looks to the setting sun."

Now, it is to you that I speak, to you of America, and you of Canada, whom we welcome back to our old home. You have fought with us and served with us, who like us, mourn for our dead, who fought in the common cause of freedom and justice and respect for all. They will never be forgotten, whatever may be the machinery for preserving peace hereafter, whether, as I trust, the League of Nations will yet induce your great country, on such terms as it seems proper, to enter into its fold, or whether it be merely that you share in that court of justice of which your great man, Mr. Root, was the leading creator, and to whom you have given so illustrious a member, Mr. Bassett Moore—whether you will fall into line in form and shape, I know that you all agree with us that the one object of that war was that law and right should take the place of force and might. Now, to you all, who to-night I regard, may I say, as pilgrims to the holy soil, and to the shrine of law, we of the homeland who have our great opportunities present with us, to whom much is given and of whom, in consequence, much is required, we, in the language of the old days, drink to you in the loving cup and bid you a hearty welcome.

Judge F. E. CRONE, of New York, in responding to the Toast, said: It is the most natural thing in the world for us to tell you how pleased we were to receive your invitation and how glad we have been to come. The brotherhood which we have heard so much about has now been accepted. To invite the entire American Bar Association and then attempt to entertain all who have come has been a great undertaking. That word "hospitality" will have an enlarged meaning hereafter. If we knew about things as much as you do there would still be lacking that which it is now our good fortune to possess, the privilege of meeting yourselves, the men of the Bench and the Bar. Wisdom always profits by a knowledge of men, and the law always divides itself in just that fashion. There are the books, and here are the men who use the books. Law, no doubt, has done much to mould life. In my country we are making laws to make life strict and regular, but in fact life itself has done much more to mould and to frame the law. In the books we can read the results of this desire, the consummation of this purpose; but to mankind itself you must look for the inspiration, and for the spark which kindles the consuming fire. My meaning is this, that we may have read about your Courts, we may have read about your law, and we may have read about your great men—I am very grateful about that—but to meet you, the embodiment of the living law, we have had to come over here, and it has been worth coming. The law will never be finished, it will never be a completed system. There will be always new questions, new problems, new conditions and changing ideas of justice, and of right and law, and a new understanding of man's obligation to man, and of a nation's duty to other nations. But to appreciate those changes, to appreciate the need to meet those changes, the new laws and new decisions, there must be always the same spirit, the same enthusiasm for justice that there has been in the past. These Inns of Court have always run true to nature. Here the lawyer and the jurist, the poet and the essayist, lived side by side, and without knowing it, so unconsciously each was doing the work of the other. The lawyer was governing the poet, but the poet was governing the law. It is the poetry of things that moves the world. So, in closing, I would leave you this word: To the inspiration of meetings and gatherings like this, to the creating of a better feeling, to the making of new friendships—perhaps only one—to the cultivation of ideals we pay homage to-night, though in reality those are the forces which govern all of us.

Senator CHESTER LONG, of Kansas, who also responded to the Toast, referred to the leading place Kansas had taken in Prohibition and other legislative experiments, and to the influence of the Middle Temple and its famous members—Blackstone and Burke—in America, and continued: You here in England in the Magna Charta and in other documents which followed it got guarantees that we afterwards incorporated in our written Constitution. You fought for centuries for an independent judiciary. You only were able to do what you have done in the past because you had an independent judiciary that was not controlled by the executive. We went further than that in our country, and we made our judiciary independent of both the executive and the legislative. An Act of Congress or a law of the

State may be declared unconstitutional and void for that reason. You have not gone that far in England. That is the past. What of the future? The English-speaking lawyers have a responsibility on their shoulders that cannot be avoided or set aside. After every war in history lawyers generally sit around a peace table and write the Treaty that states the terms on which the destruction of life and property shall cease. The question arises before us, who have done so much in the settlement of disputes between persons, as to whether or not some arrangement cannot be made by which the conferences may be had before the war instead of after. Progress was made along that line in the Conference of Washington on limiting armaments, a conference that was participated in by your Lord Balfour and our Secretary Hughes. Last night, when I heard the speeches of those two gentlemen at the Pilgrim Banquet, and saw how easily the President of our Bar Association could change from lawyer to statesman, I thought that we were making progress along the line of securing ultimately an enduring peace. Why should not this question be taken up seriously, and determined? We know, as lawyers, the force and effect of conference and conciliation before the suits are brought. We know that even after suit is brought there is a court to determine the dispute between the parties. Why cannot something along that line be done so that the disputes between nations may be settled by some tribunal in judicial proceedings? To that proposition English-speaking lawyers should dedicate their best efforts, for if they secure it they will secure peace for themselves and their posterity. Long before there were Inns of Court or English-speaking lawyers it was prophesied that the time would come when nations should beat their swords into ploughshares and their spears into pruning hooks, and nation should not lift up sword against nation, but should learn war no more. Was that a dream? If it was, let us hope that in the future it may be a dream come true.

Sir J. D. HAZEN, Chief Justice of New Brunswick, speaking on behalf of Canadian lawyers and Judges who had come to the Motherland said: It is a very great pleasure to us in Canada to join with our British brothers in this welcome to those of our good neighbours from the United States who have crossed the water in order to hold their meetings here in the British Isles. The United States of America are friends and neighbours of ours. A boundary line of some 4,000 miles in length separates—the word is not a happy one—the United States from Canada. During a period of over a hundred years we have lived on terms of such amity and goodwill and friendship that it has not been necessary for either country to maintain a soldier along the boundary line or to maintain a single armed ship on the Atlantic or the Pacific. We, in Canada, proud of our British connection, look forward to the time when the bonds between Great Britain, the United States, Canada, and the other over-seas Dominions of Britain shall be drawn so closely together, and there shall be such a distinct understanding among us, that war will be impossible and that peace will prevail in Europe and every other part of the world. [And diverging into anecdote, the speaker said:] There is a story told of a gentleman named Carr who was arguing a case before the Appellate Division. He was a gentleman of rather uncertain temper, a somewhat elderly man, and he was very much annoyed by the interruptions from the Court. They asked him a great many questions, and finally he hesitated a moment, and looked at the Court and said, "I thought I was addressing gentlemen." The Chief Justice said, "Mr. Carr, you must withdraw that statement. We cannot allow you to reflect upon the members of the Court." Mr. Carr hesitated a moment, and said, "May it please your honour, I said I thought I was addressing gentlemen. Permit me to say that I still think so." The result was that no fine for contempt was imposed. We come here to welcome our brethren of the United States. For them we entertain feelings of the most thorough admiration and good will. We have a great regard for the members of the Bench and Bar of the United States, and for the institutions of our friends in the United States. But while that is so, we in Canada have no desire to change our political conditions or our political affiliations, and we believe that we are living under a system of government which ensures freedom and liberty to the subject as much as any system of government which prevails elsewhere. It is to us an impossible thing that there can be any change which will remove us from our British citizenship, something which we prize more than anything else in the world, and in the years that are to come we hope we will be able to repay England for the blessing that England has bestowed upon us in the system of laws which it has given us, and in the splendid work it has undertaken in past years in connection with the colonisation of the provinces which now make up the Dominion of Canada.

## Gray's Inn.

At the dinner at Gray's Inn on Tuesday, the 22nd ult., Master The Rt. Hon. The Earl of Birkenhead (Treasurer) in the chair.

The CHAIRMAN, in proposing the Toast of "Our Guests," said: My first duty as Treasurer of this ancient Society is to welcome here, as we do, whole-heartedly and with the deepest warmth and sincerity so many guests who have travelled so far to make our acquaintance. We do not entertain here to-night alone as British hosts: we meet you here immensely reinforced by the fact that there are in this Hall to-night and the other historic legal halls of London, some of the most distinguished figures alike upon the Canadian Bench and at the Canadian Bar, and we are therefore afforded the high privilege, joining hands in hands with the great legal personages of the Dominion of Canada, of extending to you a welcome to which one is not more contributory than the other. I am not going to-night to revive the long and tangled story which led to the disruption of an earlier empire, but I will, if you will allow me (dealing, I hope, with matters entirely uncontroversial), attempt one or two generalisations which I think may be made the subject of general acceptance, and may perhaps become the basis of a rule from which we may derive some guidance in attempting to measure and prognose the future which still awaits the British Empire. In the quarrels which lost us the American Colonies the real truth, as was said at greater length and more elaborately by an accomplished American speaker in this Hall last night is, that incredible errors were committed upon both sides. He made it plain that we were the victims, as you were the victims, of a conception of imperial policy which laid far too much stress upon the possibilities of exploitation which the possession of an Empire afforded. He made it plain, however, too, that there was no nation which had made greater sacrifices, had lavished more blood and treasure in the consolidation of Colonial Dominion, and which had ever treated such a Dominion with the consideration, marred as it was by incredible errors, which we displayed. We must, in measuring the political actions of the men who played a great part in those days, judge them not by the standards of to-day—that is the mistake which later generations are always making—but we must judge them by the standards of those days. A great American historian (I would not in such an association think it prudent to quote an English historian) has placed, as I think, a great truth in a very calm setting. He made these observations: "The truth is that the British people have made enormous sacrifices and incurred immense expenditure in the protection of the Colonies at a time when, by universal admission, they were incapable of protecting themselves." The second truth, which is equally axiomatic, that he wrote was that every reasonable person and every separate State in the Colonies admitted that it was right that the Colonies should pay something, but that no one in any one of the Colonies could ever make up their minds or were able to agree how much any one of them should pay. Sometimes I think that those who have written upon these subjects in the United States of America might have recognized a little more clearly that Lord North and King George III were not the only two living Englishmen. There was also Chatham and Burke—two of the greatest intellects which have ever devoted their splendid powers to the subject of politics in this country, and at a time when their voices indeed were powerless to influence events, and could only conquer the conviction of the more gifted of their countrymen in an age when public feeling had little constitutional power to make its desires effective. In those days these two great men, in splendid passages of rhetoric which will live as long as the English language shall endure in these small islands, or in your immense Continents—these men, I say, recalled their countrymen, had they had the sensibility to accept their advice, to the saner teaching of a wiser and more humane political philosophy. My purpose and my justification in making these remarks are simple. They are, that I, not ever having pretended to be an idealist in politics, but being one who has always attempted to look at politics with clear, straight and honest eyes, and derive from them a guidance to our future conduct which is not entirely divorced from our study of history or our appreciation of the past—it is because I believe that these two great countries will understand each other the more if they take a true view of the history of the past, if they appreciate in clear and accurate perspective the grounds which led to these ancient and far-away unhappy breaches, that I do not choose to shrink from them in any assembly which is consecrated, not to the unhappiness of the past, but to the happiness and harmony of the future. Speaking, then, on behalf of this Society so ancient, addressing men who have come here well disposed and well intentioned to us, and have shown us so much kindness in making this great journey, I say: You are welcome in your coming, and when you go we shall wish you God speed.

(Three American cheers were called for, and given for Lord Birkenhead.)

The Hon. Mr. Justice MACDONALD, of the Supreme Court of British Columbia, in supporting the toast, said:—The object we had in coming over from Canada, coming this long distance, is this. It will be exactly 12,000 miles by the time I return home. We have come long distances to meet—what? The greatest hospitality that could be given to a body of men coming to these shores. Our part in this coming from Canada has been small, but it has been heartfelt. We have done what we could to assist

our British colleagues in bringing about an event which I say is unique in the history of the world. To think that after the differences which arose only some centuries ago, not so long ago, we should be able to assemble here with such good feeling to-night—that is sufficient evidence, to my mind, that there is going to be a glorious outcome not only for those who are assembled here together, but for all the great peoples that are behind us, and which we to some extent represent. We are enjoying ourselves in the City, but beyond that and deeper still, there must be in our hearts a greater purpose than simple enjoyment. What is behind us in our minds? The advance of the good of mankind. How can it be done? We fought together shoulder to shoulder not so many years ago for the purpose of evidencing to the world that we believe in liberty and justice. We conquered, We won. But, deeper than all that should be the desire for peace to prevail throughout the world. Is it too much for me to say to-night to you, who are heartfelt on this question, that it would redound to the credit of the profession to which we belong and which we respect so much, that when history is written it might be said that in the year 1924 there were assembled in the City of London legal representatives from the United States, from Canada and from England, that those gentlemen meeting together formed a resolution amongst themselves that they would do all they could to advance the cause of peace, which is greater than war. If history could be written in that form, then we have accomplished more than simple enjoyment in the City of London.

The Hon. ROBERT VON MOSCHZISKER (Chief Justice of Pennsylvania) in responding to the toast said: These last two days, we all agree, for American lawyers have been days that will always live in our memory, memorial days such as we never could have anticipated. Beginning yesterday in the early morning with that magnificent ceremony in the great Westminster Hall, something that passed before our eyes, that entered into our very soul, that entered into our hearts and brought back memories and recollections of all that we had read, all that we had thought of the traditions that we share in common; and then coming here to-night to this very delightful dinner, we will take all this home with us to talk to our children, to talk to our neighbours, and to spread the accord and harmony which this meeting between the great lawyers of England and the lawyers of America will do more, I believe, to make harmony continuous and everlasting between the English-speaking peoples than all else that might be written or said for days and days to come. This visit of ours is in the nature of a pilgrimage—I was about to say to the shrine of the Common Law, but I have heard that so often recently, so I must substitute something in the place of it—to the fountain head of the Common Law. We come to give ovation and we come to acknowledge our debt to you who have bestowed the blessing of this Common Law upon us. May I say that it appears to me as though the term used here to-night by Lord Birkenhead, that the American people are children of the British Empire, is a happy one. So we come to you, as your own offspring; and we want to take a moment just to see what we have done with this heritage which you have conferred upon us, the great heritage of the Common Law. Speaking of that for a moment, I can best illustrate it by taking my own State, the State of Pennsylvania, for if there is a Common Law State in the United States I claim it for Pennsylvania. We have not taken on the encumbrance of codification that some of our sisters have on either side, or any of the continental notions of jurisprudence. We have stuck to the Common Law. Any one of you English lawyers could step into our Courts and try a case and argue it on appeal, and I believe I could step into your Courts without embarrassment and do the same thing—I might say, if I could manage my wig, apart from my accent. But those would be the only embarrassments, I believe, that I would encounter. Pennsylvania has the old Court of Common Pleas; our principal trial Court, as we call it over there in modern parlance, is the Court of Common Pleas, a Court with all the Common Law jurisdiction absolutely unimpaired. We have other Courts that have limited jurisdiction within the Common Law, but the Common Pleas is the great old Court of Common Pleas. Then we have an intermediate Court of Appeal which is rather unique to Pennsylvania, known as the Intermediate Court, having jurisdiction up to 2,500 dollars, and all jurisdiction above that is vested in the Court over which I have the privilege and honour of presiding, the Supreme Court of Pennsylvania. The Supreme Court of Pennsylvania under an Act of 1772, a Colonial Act, has conferred upon it all the jurisdiction, in express words, of the Justices of the Court of Exchequer, the Judges of the Common Pleas and of the King's Bench; and it has only been within the last two years that we have exercised part of that jurisdiction, expressly claiming it as jurisdiction belonging to the King's Bench. I doubt if there is any Court in the United States that can go back to historic precedent under Legislative sanction, the sanction of the Legislature approved by the Crown, and claim that right here as we have in Pennsylvania. One of the speakers to-night said something about the United States and England being a lawyer's country—or it may have been in conversation at the table that the remark was made; but the remark was made here to-night that England and the United States are lawyers' countries. That is true beyond peradventure, and that is why this meeting is going to do so much good: because the men who are gathered here from America are the leaders of America as they were in the Colonial days. They will go back to their homes over this vast country of ours and they will carry back a message, as I said before, that will be in their hearts. The constitutional Convention of 1787 was composed almost entirely of lawyers. Of the fifty-five members of that Convention at least thirty-six were lawyers. Twenty-two of the thirty Presidents of the United States have been lawyers, and some of them leading lawyers, starting with John Adams, Maddison, Van Buren, Abraham Lincoln, and Harrison. I should say they were all leaders of the Bar: and possibly I have omitted some others, but those men were leaders of the Bar. Benjamin Harrison, one of the recent Presidents, was a very great lawyer, and you will recall that after he ceased to be President he represented the United States of America before the International Tribunal on the Venezuelan question. The mention of Abraham Lincoln as one of the leaders of the Bar may come as a surprise to my British brethren in the law, but it is only because of the very great public service which Abraham Lincoln afterwards rendered in his capacity as a statesman that his days as a lawyer have been largely forgotten; but the records show that he argued two cases before the Supreme Court of the United States—and very few lawyers had the privilege of appearing there, very few indeed—that he argued 176 cases before the Supreme Court of the State of Illinois, and that he argued, or took part in the argument of some sixty cases before the Federal Courts, which, considering his rather short, or comparatively short, career as a lawyer, represents the rate of a leading lawyer. Had he lived, and had he stuck to the law, or even had he returned to the law, as he said he would do after his Presidential term had expired, he probably would have become recognised as one of the great lawyers of America. I have used the term "foreigners" in speaking of America, but we never think of you as foreigners; we think of you in America as kindred separated by a sea which does not divide. The sentiment has been expressed here to-night as to the alliance, the natural alliance, which exists between my country and your country. It is an alliance cemented not by mere shallow sentiment but by common purposes and common ideals, and as long as those common purposes, I might say high purposes, exist, no other alliance is necessary, no other alliance is desired.

Mr. HELM BRUCE, in proposing the Toast of "Our Hosts and Our Brothers," said: I see before me strange faces, but I do not feel that I am a stranger within your gates. I feel that we are one, and must remain one, one in history and tradition, one in language, one in religion and, as Lord Birkenhead said a moment ago, one in ideals, one in those fundamental ideals which are controlling for our people our private and our public life. In common we both believe in the holiness of the vows taken at the altar, and in the purity of the home as the foundation of all social life. We both believe in the obligation to tell the truth in dealings between man and man, and in dealings between nation and nation. We both believe in the sanctity of contracts whether public or private, national or international. With us both a contract is something more than a scrap of paper. We both believe in liberty regulated by law, in the duty of Government to protect the weak against the oppression of the strong, in the right of the individual to resist the aggression of arbitrary power from whatever source it comes or by whomsoever it be sought to be exercised. There have been individual miscarriages of justice, and there will continue to be in isolated cases. But I believe there is no man who will deny that where the Union Jack flies, or the Stars and Stripes wave, the right of the individual will be respected by the law, and with every serious earnest effort to administer justice equally, which in my judgment is the chief end of Government. And let me say just a word upon a subject upon which I personally have a profound conviction, and in saying it probably I should introduce my statement by the remark that I speak to-night only for myself and for those who think and feel as I do. I hold no office; I bear no commission; I do not speak as one having authority. I speak simply as a free citizen of a free country on a subject of vital interest upon which I concede the right of others to their individual opinion as I maintain my own. It is on the great subject of the League of Nations. Lord Birkenhead has said that he has prophesied America would never join the League of Nations. I am one, and there are others, who do not admit that Lord Birkenhead's prophecy has yet come true. I would not indulge here in matter of controversy, but I believe it was unfortunate that this great world question should have been made a party issue in my country as it was. This is not a party, but a world question; and there are those with us who have not conceded that that question is settled, and who look forward to the day when it may be tried again, to use a lawyer's phrase, before the great public

of our land, when there may be an opportunity to carefully consider and ultimately conclude what is right on a question vital to mankind. We recognise that the covenant may have to be amended as our Constitution has been and as the covenant of the League of Nations has been. We recognise that we have to pay a price, but there are those of us who are willing to pay it. There is one question of a kindred nature upon which there is no longer widespread difference of opinion, and that is the matter of our adhesion to the World Court. As said by the Secretary of State, Mr. Hughes, last night, I believe it was, there are two great political parties in the United States—the Great Democratic and the Republican Parties. On their platforms upon which they propose to conduct the coming Presidential campaign they, in their Declarations of Principle which they propose to exercise if they are elected, have both declared in favour of our adhesion to the World Court; and I would remind the Gentlemen of the English Bar (those in America are entirely familiar with it) that when the Secretary of State of the United States, that great American lawyer and statesman Mr. Elihu Root, gave his instructions to the delegates to the Hague Conference in 1908 he advised them to seek the establishment of a permanent International Court to be presided over by judges with fixed salaries, with fixed terms of office, who should devote their entire attention to the settlement of international questions by principles of law, and not by negotiation or arbitration. So that we feel that we are entitled to part of the credit for the establishment of that great Court which is now functioning. Nobody, of course, believes that the Court will for ever eradicate war, but it is a long step towards the reduction of the probabilities of war. I have never been able to understand why it is that in a country or in countries where for centuries it has been regarded as barbarous to settle personal difficulties *via armis* it should be considered right to settle international difficulties by that means. The World Court has long been an ideal with me.

The Hon. Mr. Justice Mackenzie, of Saskatchewan.

The CHAIRMAN: I think before this toast is drunk an error has been committed, but it can be made good. One of our most respected and eldest Benchers, one of the most faithful and devoted servants of this Society, and in modern days one of our greatest benefactors, Sir Miles Mattinson, will say a word.

Master Sir MILES MATTINSON: Members of the American Bar, I rise on behalf of this House to render you our warmest acknowledgments of the toast which you have drunk with so much enthusiasm. My learned friend, Mr. Helm Bruce, if he will permit me to call him that, made a speech of great eloquence when he introduced this toast. He ranged over many topics, but the part which I think affected us most was the affecting tribute which he paid to our country. We are deeply grateful to him for those warm expressions on his part.

## The Law Society.

At the dinner given by The Law Society on Tuesday, the 22nd ult., R. W. Dibdin, Esq. (President) in the chair:

Sir LAMING WORTHINGTON-EVANS, in proposing the toast of "Our Guests," said: Perhaps I may be allowed to remind our guests that in this country the law and the practice of the law is thought to be so complicated that lawyers are divided into two groups—barristers and solicitors. Your English hosts to-night are solicitors. Our function is to be trusted and to give good advice, and if, unfortunately, our advice is not taken, or if our opponent gives contrary advice, then the fun begins and for a consideration, a barrister is called in. I only remind you of this in case you should expect from me some of that eloquence which is the sole prerogative of the barrister. Looking into a dictionary of wise sayings under the head, "Law," I found not only "The Law is a hass," and that "The Law is a lottery," but I came across a dean who over a hundred years ago observed that the law was king of all. I shut the book then; I thought at last I had found something which I could commend to the lawyers. The law is king of all in every civilised and peaceful state, and the more absolutely supreme the law is made the more advanced is the civilisation of that state. It is only where drums speak that the laws are dumb; and the English-speaking race have enthroned the law, and by degrees their example and their influence are spread to other countries. If we want to silence the drums for ever the most practical step may be to unite other nations in the respect for justice and equity which is our common heritage.

Senator The Hon. N. A. BELCOURT, K.C., in supporting the toast on behalf of the Canadian Bench and Bar, said: I have brought with me but one item this evening, and I propose to deliver it to you in two words, "*Noblesse oblige.*" Gentlemen, I take it that we are all agreed that democracy has come to stay, whether under a democratic monarchy or a republican government. What is the contribution? What are the duties which Bench and Bar owe to democracy. Because of our greater opportunities in our training, our daily habits of thought and our ability to deal with questions of that sort, it seems to me that upon the Bench and Bar more than upon any other society in the world rests the obligation of furnishing the just sum of duty to public service. If the Bench and Bar is going to become, as it should be and as I think it might be, the best instrument of democracy, it will have to give the fullest possible measure of public service. It is for the Bench and Bar to devote all its energies in order to assure the proper function of democracy and the accomplishment of its purposes. I must confess, Liberal as I am, that I have frequently been shocked and afraid of the future from the remarks which have been passed on the many occasions on which it has fallen oft; yet I repeat that I believe democracy has come to stay and is to be a means of governing the people, whether under the British Crown or under the Stars and Stripes. The legal profession is the greatest power for teaching citizenship which is so little understood. Ladies and Gentlemen, may I repeat "*Noblesse oblige.*" May I also add that the manifest duty of the Bench and Bar is to keep up the policy of goodwill of International and National as well as individual relations. We owe it also always to denounce such methods in which Bismark was conspicuous. We want to preach and practise rather the policy or diplomacy which the Holy Redeemer of mankind so consistently, so constantly, and so divinely preached, the policy of goodwill. May I again repeat, "*Noblesse oblige.*"

Mr. HENRY W. TAFT, President of the New York Bar Association, in responding, said: I did not fail to observe the subtle hint which was contained in Sir Laming's address as to the length of the speeches. I am reminded of an equally appropriate response which President Hadley made to a visiting clergyman who asked how long it was customary for the Minister to speak and whether there was any limit, to which Mr. Hadley responded: "No, there is no limit, but there is a tradition that there are no souls saved after twenty minutes." I have to express, on behalf of my associates and myself, my sincere thanks and appreciation to this organisation and to all the other organisations which have extended to us such bountiful hospitality. We cherish the hope that at some near day you will furnish us with the opportunity of reciprocating this bountiful welcome which has been extended to us since we arrived in England. I am delighted to be able to come into close association with the solicitors of England. It is not easy for an American lawyer to understand the subtle distinction between the two branches of your profession; but it is not easy for your nation to understand some of the customs of ours. The fact of the matter is that not less—I make an estimate, as to which some may differ with me—but, probably not less than 90 per cent. of the business which we American lawyers do in America is the business of solicitors. And when we do that business we do not think that we are engaging in an occupation which justifies us in being classified into a grade of the profession which is inferior to that which is performed by the rest of the profession. We think that the same moral and intellectual qualities and professional politics are required for a proper performance of those duties of solicitors as are required in the performance of the duties as advocates. So, if you will come to our country you will find yourselves in sympathy in every respect with the great mass of practising lawyers of America. During the last few days you have heard all you want to hear about the Common Law. You know all about it; more than I know about it. But I do want to say that in America our whole system is founded upon the Common Law; there is no question about that. I venture also to say that we know what the Common Law is. We have installed in recent years a system of instruction in the Common Law which is turning out from our law schools young gentlemen of talent who are first in every branch of the Common Law after a course of three or four years. They are entering our offices in the great cities, and really to us older lawyers it is rather formidable to have to face these young gentlemen. As I say, we are not really having trouble with the Common Law and knowledge of the law. What we are having trouble with in our country is the administration of the law, with the machinery by which we enforce the law. We are practising law in America according to the machinery of the eighteenth century. We are adhering too strictly to the procedure of the Common Law. We are, for instance, magnifying the importance of the jury trial. We are intensifying it. You in England have abandoned it, and many of your commercial litigations you are settling by the decisions of judges. Then I might go on as to the technicalities of our pleadings, the character of our rules of evidence, which are the rules of the eighteenth century, and a variety of other things where we are adhering too closely to what was supposed to be the practice of the Common Law. We are in grave need of reform in our procedure and our administration; a reform which you in England have long since taken up seriously. I had intended to say a word to you about a branch of our jurisprudence which is little known to you and yet which is very important to us, not alone for the preservation of our political institutions, but also because it elevates the

functions of the members of our profession. I refer to the jurisprudence of our country in its Constitutional Law. I have not attempted to go into the details of it, but the fact is that you created a legislature which was omnipotent. You talk about the constitution of England. It can be changed by your Parliament overnight. We have created for the first time in history a constitution where our courts deal with questions which are essentially political. It is necessary that that should be so upon the principle that any law passed by any legislature, whether it be a Federal legislature or a State legislature, which is in violation of the fundamental law, is no law at all. If that question arose in England it would be settled by Parliament. Now an effort is being made in our country to bring about a similar settlement of that political question by placing certain restrictions upon the power of the courts to determine whether or not the law is on constitution. I refer to this subject, not for the purpose of discussing it in its broad aspect, but for the purpose of saying that the great body of our Constitutional Law which relates to the powers of the Federal Government as compared with the State Government in respect of the sanctity of contracts, and of inter-State commerce, all calls for the penetration and vision, not alone of a mere lawyer called upon to interpret a written instrument, but it calls for the greatest powers of man to exercise the qualities of statesmanship because the effect upon our institutions must be considered. We have had, from the foundation of our Government, two schools of thought in America; one for strict construction of our constitution, the other for the doctrine of what I call implied powers. The doctrine of implied powers has prevailed. If the school which was led by Mr. Jefferson in the first instance had prevailed the probability is that that doctrine of implied powers would have been much modified, perhaps with the result of changing the form of our institutions. Now I only wish to say that that jurisprudence has called for the exercise on the part of our Bar of great qualities. It has led to the greatness of such a man as Wilson; it has led to the fame of Chief Justice Marshall, and it goes on as being in our country the most majestic part of our general jurisprudence.

Judge D. LAWRENCE GRONER (Virginia), in proposing the toast of "Our Hosts," said: The bonds between Virginia and the Mother Country although they have sometimes been strained were never broken, and every Virginian in his pride of his own country cherishes in equal, or almost equal, degree pride in the consciousness of his British ancestry. There, perhaps, as nowhere else in the United States, English wars and English customs and English names have made an imprint so clear that no one can doubt the source from which they sprung. Norfolk, where I was born; Suffolk, Portsmouth, Isle of Wight, Sussex, Southampton, Northampton, Princess Anne, Elizabeth City, Charles City, James City, and hosts of others attest in an unmistakable way the affection of those who thus named them for the land from which they came. May I impose upon your patience to tell you an incident of a Virginian lad named Jimmy Drake, a student of the University of Virginia, a college founded by James Jefferson. Just as that lad had begun in the practice of law in Richmond the war came, with the doctrine and proclamation of strict neutrality. He sold his law books and took passage for England. He came to London and applied at recruiting station after recruiting station for the privilege of joining the British Army. He was rejected time and again because of his nationality. Finally he went to one of the places where he had previously been rejected and registered as James Drake, subject of Great Britain, resident in the Colony of Virginia. He was accepted. One beautiful May day, with the breath of spring and with the aroma of the hyacinth and the tulip in the air, he went with his comrades in arms into battle. When the roll was called that night there was no answer to his name. They found him lying on the field of battle; his open eyes were sightless. He had died there "subject of Great Britain, resident in the Colony of Virginia." Three hundred years before his ancestors had left Europe at a time when it was just emerging from the bigotry of centuries. The colonists who landed in 1607 on Virginian soil and established the first permanent settlement of the English in America brought with them into their homes all the political privileges and rights which they had enjoyed in their old, and among those were the rights acknowledged and confirmed in the Petition of Right and established in the Revolution of 1688. Those privileges, my friends, they insisted upon and asserted. Out of that beginning came the system of English colonization. As its result Great Britain has become one of the great Powers of the globe; as a result equally North America has been saved to the Anglo-Saxon race. I do not believe that any man can adequately describe the effect upon mankind of the establishment 320 years ago of that colony. Since that time the United States have grown from a few scattered hamlets along the Atlantic seaboard into a nation of upwards of 100 millions of people. In its rise in wealth and in power it has perhaps no parallel in history. In its wealth and its expansion and in growth of every kind it has clung fast with an enduring faith to those great landmarks, those great powers of liberty which it has inherited from its English forbears.

The PRESIDENT, in responding, said: It is very difficult to speak at all after the brilliant speeches which we have heard. But I should be undutiful, indeed, if I did not on behalf of the Council of The Law Society, and all the solicitors of England, thank you very much for the way in which this toast has been proposed, and the way in which it has been received. However, I think that the boot is on the wrong leg, as we say. The obligation is not with us at all. The obligation is an obligation in that we feel you have honoured us by accepting our invitation, and that you have come here among us to add so greatly to our happiness and our satisfaction. In his very interesting speech Mr. Taft made some remarks about American Law or American Law Books. It reminded me of a young man who many years ago was in my office, who went to the United States, and practised somewhere there. He wrote back to us, and asked if we could send him out some law books. He said, "Not the new editions at all, but the old editions; new editions would be bad law in the United States." Gentlemen, I need not tell you with what joy the order was received by the publishers; they never expected to get rid of the old stock at all. However, they went to America, and I hope justice was duly administered according to the old law which, in its time, no doubt did its duty. Gentlemen, it is very difficult indeed for me to say anything at all adequate to deal with the pride which we feel in having you as our guests to-night. If it were only that we have had the pleasure of hearing two such examples of oratory as we have heard from Mr. Taft and Judge Groner, that alone would be a recompense to us for any little trouble we have taken in trying to entertain you. We feel that our best is not good enough for you. We feel that in entertaining you we are entertaining the great United States, and that great profession (we think the greatest of all professions) the legal profession, whether practised there or practised here. We do feel now we have seen you, that which we only felt slightly before perhaps, namely, that we are able to appreciate you, although we admired you in the distance, but now that we have you here in the flesh we love you also. I must mention those invitations which have been so kindly suggested to us to come to the United States. What a delightful prospect that holds forth. I almost wish that I were young again, because I am sure that the younger members of our Society will somehow or other manage to accept them. Whether they will descend upon you in half as charming a way as you have descended upon us I am disposed to think is doubtful. But I am sure they will really and thoroughly enjoy themselves if they go there. I can only say again that I wish I were young; but I am very old. If there was anything I should look forward to it would really be to go to the United States and to meet more of its charming lawyers, and to see them on their native heath. Gentlemen, I shall not keep you any longer. I can only say once more how proud and happy we are here to have the honour of receiving you. We hope that you will carry back with you nothing but pleasant memories of the Old Country. We hope that when you do go back you will take with you the assurance and the feeling that although we have done some little to entertain you we have not done nearly as much as we should have liked to have done, and we hope that you will carry with you a pleasant recollection of all that you have seen here among us. Gentlemen, I thank you very much indeed for the very kind way in which you have received this resolution so eloquently proposed, "The Toast to the Hosts."

## Lincoln's Inn.

### LONG VACATION.

The Library will be closed from 16th August to 14th September inclusive, for additions to be made to the heating apparatus, also on August Bank Holiday and every Saturday.

During the rest of the Vacation it will be open from 11 to 4 (Tuesdays 11 to 5).

## Gray's Inn.

The Library will be open as follows:—

| | |
|---|---|
| August 1st to 31st .. .. .. | 10 a.m. to 2 p.m. |
| (Closed on Saturdays and on Bank Holiday.) | |
| September 1st to 30th .. .. | 10 a.m. to 4 p.m. |
| Saturdays .. .. | 10 a.m. to 1 p.m. |

## Society of Comparative Legislation.

Sir Albert Gray, K.C., vice-chairman of the Society of Comparative Legislation, has been elected chairman of the Society in the place of the late Sir Courtenay Ilbert, and Lord Justice Atkin has succeeded him as vice-chairman. Dr. Leslie Burgin has become a member of the council of the Society. The forthcoming number of the Society's publications will complete the review of legislation of the year 1922. Particulars of the work of the Society can be obtained from the hon. secretary, Mr. C. E. A. Bedwell, 1, Elm-court, Temple, E.C.4.

# The Law Society.

## ANNUAL GENERAL MEETING.

Mr. Robert William Dibdin (President) took the chair at the annual general meeting of The Law Society which was held at the Society's Hall, Chancery Lane, on Friday, the 25th ult. Those present included Mr. William Henry Norton (Manchester, Vice-President), Mr. Ernest Edward Bird, Mr. Thomas Hume Bischoff, Sir William James Bull, M.P., Mr. Lewin Bampfield Carslake, Mr. George Herbert Charlesworth (Manchester), Mr. Alfred Henry Coley (Birmingham), Mr. Cecil Allen Coward, Mr. Weeden Dawes, Mr. Hubert Arthur Dowson (Nottingham), Mr. Richard Farmer, Mr. Walter Henry Foster, Mr. Herbert Gibson, Sir John Roger Burrow Gregory, Mr. Dennis Henry Herbert, Mr. Leonard William North Hickley, Mr. Randle Fynes Wilson Holme, Mr. Arthur Murray Ingledew, Mr. Charles Mackintosh, Mr. Charles Gibbons May, Mr. Samuel Tomkins Maynard (Brighton), Sir Charles H. Morton (Liverpool), Mr. Robert C. Nesbitt, M.P., Sir A. Copson Peake (Leeds), Mr. Reginald W. Poole, Mr. George William Rowe, Mr. Samuel Saw, Mr. Herbert H. Scott (Gloucester), Sir Richard S. Taylor, Mr. Benjamin Arthur Wightman (Sheffield), Mr. E. R. Cook (Secretary) and Mr. H. E. Jones (Assistant Secretary).

### President and Vice-President.

Mr. William Henry Norton (Manchester) had been nominated as President and Mr. Herbert Gibson (London) as Vice-President for the ensuing year, and, as there were no other candidates, the President declared them duly elected.

Mr. Norton returned thanks for having been elected president of this great and valuable Society. He could only say that other occupiers of the chair had made it exceedingly difficult to follow them, but so far as in him lay he could promise to do everything in his power for its good. The Society would be holding its provincial meeting shortly in Manchester, and he might remark that he would be the first president that had come from that city. Mr. Charles Leopold Samson, a former president, was a Manchester man, but he at the time of his election was practising in London.

Mr. Gibson also returned thanks. He said he hoped to show his appreciation of the honour by his work in the service of the Society during the forthcoming year.

There were twelve vacancies on the Council, caused by the retirement of ten members in rotation, the death of Sir Walter Trower and the retirement of Sir Homewood Crawford. The following had been nominated to the vacancies: *The Rt. Hon. Sir William James Bull, Bart., P.C., M.P., *Mr. George Herbert Charlesworth (Manchester), Mr. George Dudley Colclough, *Mr. Cecil Allen Coward, Mr. Charles Augustus Davis, *Mr. Weeden Dawes, *Mr. Robert William Dibdin, *Mr. Hubert Arthur Dowson (Nottingham), *Mr. Walter Henry Foster, *The Hon. Robert Henry Lyttelton, Mr. William Egerton Mortimer, *Mr. George William Rowe, *Mr. Benjamin Arthur Wightman (Sheffield) and Mr. Walter Mantell Woodhouse. The candidates marked with an asterisk are retiring members of the Council.

The President said that Mr. Colclough had withdrawn his nomination, but the consent of the meeting was necessary to the withdrawal. He, therefore, asked if they would so accept it. (Agreed.) The candidates were still in excess of the number of vacancies, and an election by ballot would be necessary, for which purpose he would appoint five scrutineers, whose report would be received at a general meeting on Thursday, the 7th August.

The members who consented to serve as scrutineers were appointed as follows: Mr. Wm. Arnold, Mr. E. B. V. Christian, Mr. Haseltine Jones, Mr. W. M. White, and Mr. J. R. Yates.

### Auditors.

Mr. John Stephens Chappelow, F.C.A., Mr. Charles Frederick Maitland Maxwell, and Mr. Percy Jennings were elected Auditors of the Society's accounts for the ensuing year.

### Society's Accounts.

The President moved the adoption of the Society's accounts. He said he would ask Mr. Hickley, the Society's Chancellor of the Exchequer, to second the motion, and to reply to any questions that might be asked.

Mr. L. W. North Hickley, Chairman of the Finance Committee, seconded the motion. He said that before dealing with the accounts he thought it would be fitting that he should refer to the loss the Society had suffered by the death of Sir Walter Trower. Sir Walter, four years ago, nominated him as his successor as Chairman of the Finance Committee of the Council. He had had some knowledge of what the work entailed but it was only when he took over office that he realised the enormous amount of work Sir Walter had done for the Society in this particular branch of its business, over a period of eighteen years. He thought he was not exaggerating if he said that the very strong position in which he found the Society's finances was due very largely to the work done by his predecessor, and the foresight and care which he gave to every detail of the accounts. He (Mr. Hickley) was afraid he could not pretend that he could fill Sir Walter's place, but he was quite sure that he should have made a hopeless failure had it not been for the advice and assistance he had from him during the past three years, during which time Sir Walter was always ready to give as much time as he wished of his very busy life in assisting and advising him with regard to the many points upon which he needed guidance, and he should always feel very grateful to him for the kindness he extended to him. With regard to the accounts there were not many things that called for comment. It was exceedingly satisfactory that he should be able to report that every branch of the accounts of the Society showed a balance of income over expenditure.

Mr. E. A. Bell (London): Except one. I think the Law School shows an excess of expenditure over income of something like £3,000.

Mr. Hickley said he thought he should be able to show that that was not the case.

Mr. Bell: I am very glad to hear it.

Mr. Hickley said that the balance on the Society's own account amounted to the sum of £1,322 13s. 4d., after providing for depreciation. The income for the past year exceeded that of 1922, but there was also a rise in expenditure. Analysis of the figures on the expenditure side showed, however, that the Society had value for its money, as the chief items where there was an increase were the item "Law and Parliamentary expenses and costs of the Discipline Committee," which the members, he thought, would admit was money well expended. The item "Buildings and repairs" showed a heavy increase, but this was due to the adaptation of the Society's building to the use of lady solicitors. Whether or no the fair sex would eventually take possession of the building and leave the mere males to find accommodation elsewhere remained to be proved; but at the moment there did not seem any probability of such an event taking place during his term of office. There was also an increase in the cost of the Society's publications, which, he thought, the members would not grudge, inasmuch as it was the result of the issue to them of the Society's new edition of the red book, "Law, Practice and Usage of the Solicitors' Profession," and the yellow book, "Solicitors' Remuneration Digest," which had recently been published, which, he believed, filled a want the satisfaction of which only the war had delayed. He hoped, in the course of a month or so, to be able to issue a new edition of the Society's "Handbook," which would complete the issue of the Society's publications.

### Legal Education.

The other accounts, it would be noticed, took a somewhat different form to that adopted for some years past, for the reason that the Society had now to deal with the very considerable sum provided for legal education by the Act of 1922. Hitherto the sum available for legal education had been derived from the surplus of the examination fund, the income from New Inn and Clifford's Inn funds, and the fees paid by students attending the London Law School. Out of these funds the London Law School had been supported and grants made to the schools in the provinces, while any balance to meet deficiencies had been made up out of the Society's general funds. The surplus from the examination fund, the New Inn and Clifford's Inn funds, was still available for the purposes of education, in addition to the money provided under the Act of 1922 for approved schools. The Council had apportioned the fund derived from the Act of 1922 between the country and London, as to two-thirds for the country and one-third for London and the Home Counties, that being roughly the proportion of practising solicitors in the two sections. This seemed to be fair, in view of the fact that the funds came directly from the pockets of the solicitors themselves. It was possible that this method of allocation might have to be reconsidered if, as was probable, a large number of articled clerks from the country made use of the school to comply with the requirements of the Act, and he need not say that if they did so they should benefit from the education afforded them here, and they would be very welcome. The surplus from the examination account and the Clifford's Inn and New Inn funds remained, as heretofore, in the hands of the Council, for general legal education, and these funds had been drawn upon this year to balance the accounts of the London and country law schools, and particularly in making provision for those schools which had not yet been approved under the Act. Under the heading "Solicitors Act 1922 Account" there appeared a balance sheet showing that the Society had a sum of £8,310 in hand on the 31st December, 1923. This figure was the balance of the sum received under the Act in respect of the year 1922, a large part of which was not required owing to the approved schools not having been started in many centres. This sum had been invested in conversion loan and would be available for meeting the initial expenditure of starting new approved schools, or for other purposes connected with approved schools. It might seem a large sum to have in hand, but the demand for legal education all over the country was likely

to increase, the annual income under the Act was already practically absorbed, and he felt himself very fortunate in having something upon which to draw when the Council considered that a claim was made out for assistance.

SOCIETY'S PREMISES.

It would be seen from the balance sheet that during the year 1923 the Society were able to repay the sum of £5,000 in respect of the mortgage debt on the Society's premises. He was very glad to be able to say that a short time back he was able to sanction the repayment of the balance of that debt. This, he was sure, would be received with satisfaction by them all. There thus disappeared, so far as the balance sheet was concerned, a record of the great war, and they would be as relieved as he was that they had been able to get rid of this debt. It had not been the custom of the treasurer to make any prophecies for the future, but he thought he might say that there was every prospect of their being able again to balance the income and expenditure in the current year. He should like once more to thank the staff for the assistance they had given him in his duties, and to mention particularly Mr. Cook, Mr. Chappelow and Mr. Ryall in that connection. His thanks were also due to the auditors, Mr. James and Mr. Maxwell.

The PRESIDENT said he was sure the members were very much obliged to Mr. Hickley for the great care he gave to the accounts. The loss of Sir Walter Trower was a very great one, and the Society was very fortunate in geting Mr. Hickley to take his place.

The motion was carried unanimously.

ANNUAL REPORT.

The PRESIDENT moved the adoption of the annual report.

Mr. NORTON seconded the motion.

Mr. BELL said he had a certain hesitancy in referring to the report, having regard to the very heavy duties which the President had performed with such dignity and discretion during the week, pleasurable duties though they were, in connection with the visit of the American Bar Association. Looking at the statue of Blackstone which had been unveiled in the Law Courts, he recollected the letters which had been addressed to the great lawyer by Junius when he referred to the distinction drawn by that eminent jurist between "sober discretion" and the "honest jollity of the tavern," which, no doubt, was recognised by our American colleagues when they presented the statue. He saw no inscription on the statue, and he would almost venture to suggest that it should bear Blackstone's own motto, "*Secundis dubiisque rectus*," which was referred to by Junius.

BILLS OF COSTS.

He had taken the opportunity of drawing the attention of some of the American visitors to that part of the Society's report which referred to solicitors' remuneration, and which dealt with the question of altering the system of payment by bills of costs. They said, when he explained the system of bills of costs, that it was cumbersome and that it looked as if the solicitor had to expend as much time in preparing his bill of cost as in getting up the case, and he would appeal to every member to say whether that was not the fact. He was glad to see from the report that the Council had obtained the recognition of the Lord Chancellor of the principle of the alteration of the system, and that generally speaking he was in favour of the principle for which the Society contended, viz., that solicitors should be able to deliver lump sum bills of costs. The report stated that the Lord Chancellor suggested that a Bill, which it was quite clear he would support, should be brought into Parliament for the purpose of remedying the intolerable nuisance from which the solicitors suffered at present. There were members of the Council who were also members of Parliament, and surely the Council might suggest to them that a Bill should be brought in to simplify the method of remuneration, in accordance with the resolution which was carried at the last general meeting. He urged that the matter should again be taken into the serious consideration of the Council, and especially of those of them who happened to be members of the House of Commons, or even of the House of Lords, who might be approached with a view to bringing about the desired effect.

IRISH FREE STATE SOLICITORS.

The report also dealt with the question of Irish Free State solicitors and suggested concessions as to their admission in England. It said that "in the last Annual Report a reference was made to this subject which showed that the Irish Free State, having passed legislation which would permit English and Scottish solicitors to practise in the Free State on their English and Scottish qualifications, were anxious that England and Scotland would reciprocate by allowing Irish Free State solicitors to practise in England and Scotland merely on their Free State qualifications. The Council had formed the opinion that just as it would be dangerous for English and Scottish solicitors to take advantage of the legislation which had been passed by the Irish Free State, so it would be equally dangerous, not merely for the

public, but also for Irish solicitors themselves, if they were permitted to practise in England or in Scotland without properly qualifying themselves to do so. The Council had informed the Incorporated Law Society of Ireland that while they would not raise objection to a waiver of service under articles by Irish solicitors, they would contend that no Order should be made under the Colonial Solicitors Act, 1900, in favour of the Irish Free State unless it included a provision that Free State solicitors should pass the Law Society's Trust Accounts and Book-keeping and Final Examinations. The Council have not heard that the Irish Free State has applied for an Order under the Colonial Solicitors Act. They are, indeed, of opinion that for the moment the Irish Free State are not in a position to make such an application. Section 3 of the Irish Free State Constitution Act, 1922, does not provide unconditionally that the Colonial Solicitors Act may be applied to the Irish Free State; it merely provides that the Act may be so applied if the Parliament of the Irish Free State make provision to that effect. So far as the Council are aware, no such provision has been made by the Parliament of the Irish Free State." He happened to know that opportunity was taken by a certain solicitor to write to one of the pillars of the solicitors branch of the profession in the Irish Free State, drawing his attention to that part of the report. An answer was received in which occurred the words, "The Free State Parliament is quite prepared to pass the necessary legislation. English solicitors are admitted to practise in the Free State upon their English qualification. Free State solicitors do not suggest that they should be permitted to practise in both countries at the same time, but they do say, and it does not appear to be unreasonable or unfounded, that they consider as a body they are just as competent as their English brethren, and that as long as they require no proofs of competence they should not be asked for any. As a matter of fact, had there been many solicitors who wished to transfer from Ireland to England, I believe that the Irish Government would not only have passed the necessary legislation rapidly through, but would have put pressure on the Colonial Office, which would have resulted in the Law Society being more or less put in their place." He (Mr. Bell) thought that in the spirit of justice the alteration should be brought about.

### Poor Persons Procedure.

The report also referred to the subject of Poor Persons Procedure. He recognised the efforts made by the Council with the view of remedying what had been a defect in the Act, in which the late Mr. Scriven took such intelligent and highly useful interest. One point possibly had not been noticed, namely, that the poor person, when he has got his judgment, if he wished to enforce it, would have to find the money for the purpose.

The President: You get your divorce.

Mr. Bell said that when the poor person obtained judgment he could not go into the Bankruptcy Court without paying £10, the preliminary fees required to present a petition in bankruptcy. How could a poor person do that?

### Central County Court.

He hoped also that the Council would take some measures with the object of getting the suggestion that had been made from time to time at these meetings that there should be a Central County Court for the Metropolitan district established.

### Solicitors' Remuneration.

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districts co-terminous, but to make each one such a centre that it could be reached easily by all the people of the district. In other words, the facility of reaching the county court was the cardinal element. It was not any question of boundaries. That was the principle adopted by the committee, and he thought that when it had been carried out the object sought to be gained would have been achieved.

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Mr. PERCY BRABY (London), moved "that the Council be requested to take steps to discipline all solicitors who in future associate their names with any advertisement purporting to be of a legal nature which has no legal effect." He said that since he had given notice of the motion another class of advertisement than that he had had in mind had been brought to his attention, and he asked permission to add to his motion the words "or append their names to any advertisement when the addition to their names is entirely superfluous." At present it was a very common practice to append the names of solicitors to advertisements. The British Medical Association were discussing the question of indirect advertising by medical men, and it was appropriate that solicitors should have something to say about the matter. What he was saying was not intended by way of censure of anything which had been done in the past. He was quite ready to believe that what had been done—in his opinion improperly—had been done without sufficient thought. He remembered that 40 years ago, in that building, one of the Society's lecturers to classes of articled clerks told them that advertising by husbands, stating that they would not be responsible for the debts of their wives, was absolutely ineffective. These were the class of advertisement to which his motion related. It was quite obvious why they were ineffective. Those present knew that the wife could consider herself as agent to her husband for the purpose of buying necessaries. No amount of advertisements could relieve the husband from the liability when the wife, or a woman living with a man, was in the habit of buying goods, and the husband was in the habit of paying for them regularly. That agency could only be stopped by direct notice to the creditor. That was fairly well known to everybody, and no amount of advertising by the husband could get rid of his responsibility. Nobody was bound to read the newspaper in which the advertisement appeared. It was perfectly clear that these advertisements were improper in many instances, and he hoped the time would come when no newspaper would insert them. They were put in the most prominent place in the paper, the "agony" column. They frequently caused great agony to the wretched wife.

Mr. BELL: Or the husband!

Mr. BRABY: Or the husband. He knew the insertion of the advertisement seriously reflected on the husband. Solicitors knew that the husband was not a gentleman, or he would not hold up his wife to public ridicule in that way when he knew that it would do no good. The advertisements frequently created great hardship for the wife. No solicitor should ever associate himself with a notice like this, which he knew or ought to know was utterly ineffective. Many people read the personal column in which such advertisements appeared and they attracted a certain amount of attention to the solicitor; but, even if the advertisements were effective there could be no object in the solicitors adding their names to them. It was not intended that anybody should write to the solicitor, so that it was superfluous, and the solicitor ought not to be allowed to let his name appear in this way. Quite recently, a client of his own told him she had been separated for six years from her husband, who had deserted her. During that six years she had never pledged his credit and had always paid her debts immediately they were contracted. But, just because she had a little difference with the husband in correspondence, he tried to punish her, and he put two advertisements on consecutive days in *The Times* that he would not be responsible for debts that his wife might incur.

Mr. BELL: He was liable for defamation of character.

Mr. BRABY said he considered that the people who inserted the advertisement, including the editor of the paper, were liable for an action for libel. That particular advertisement had the name of a solicitor at the end. He even put it in, although he (Mr. Braby) had warned him against doing so. If his client had allowed him, he (Mr. Braby) should have brought an action for libel against the editor of *The Times* and against the solicitor, but she would not authorise it. There was another kind of advertisement to which the solicitors were in the habit of appending their names, that relating to naturalisation. A very great number of those applying for naturalisation were foreign Jews. There were so many applications that very few of them were successful. Hundreds of such applications had been waiting for several years. When one of them got through and it came to the point of putting the advertisement in the paper in order that objections might be lodged, which was a great thing for the solicitor who carried it through, he seized the opportunity of putting his name to the advertisement. His attention had been drawn to the *Jewish Chronicle*. These notices appeared very largely in that paper with the name of the solicitor at the bottom. It was quite unnecessary to append the name of the solicitor, because there was no need for anybody to confer with the solicitor. On the contrary, anyone objecting had to send notice to the Home Secretary. He did not think there were many other forms in which a solicitor could advertise in an improper way, but this was particularly open to objection, and he hoped that solicitors would not be allowed to continue the practice.

Mr. J. O. STACEY (London) seconded the motion. He said that if a husband considered it proper to insert such an advertisement as had been referred to he ought to do it in his own name and not in the name of a solicitor.

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Mr. HASELDINE JONES said he also was in sympathy with the motion. But he should have preferred that it had been so worded as to request the Council to consider what steps were desirable to be taken in order to put an end to the practice. There was nothing in the Home Office Order to provide for the appearance of the name of the solicitor. It only set out that the advertisement should be in a particular form, and that if there was any objection to the naturalisation it should be sent to the Home Office. He suggested that the mover of the motion should alter it to the effect he had proposed.

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Mr. HASELDINE JONES said he would then move as an amendment that the Council be requested to take immediate steps to consider what could be done to put a stop to the practice.

The amendment was not seconded.

The PRESIDENT said that the Council always considered any question of advertising by solicitors; indeed, there was not a meeting of the Special Purposes Committee—which sat once every week—when a case did not come before it. The Council did everything they could to discourage anything of the kind, and he did not think they required any urging in the matter.

The motion was carried, twenty-one votes being given in its favour and seventeen against.

### LEGAL EDUCATION.

Mr. JAMES DODD (London) had given notice "To call attention to the Society's programme of legal education and (if necessary) to move a resolution," but he was not present when the motion was reached, and it was not therefore proceeded with.

### THE NEW PRESIDENT.

Mr. WILLIAM HENRY NORTON, the new President of The Law Society, is the senior partner in the firm of Norton, Spencer, Lovatt & Smith, of Manchester. He was born in November, 1857, and was educated privately, after which he served his articles with Mr. George Frederick Wharton, of Manchester, the author of "Wharton's Legal Maxims." He has been for over thirty years a member of the committee of the Manchester Law Society and was president in the year 1904. He was elected to the Council of The Law Society in 1907. He has been legal adviser to the Urban District Council of Stretford for upwards of twenty-five years.

public, but also for Irish solicitors themselves, if they were permitted to practise in England or in Scotland without properly qualifying themselves to do so. The Council had informed the Incorporated Law Society of Ireland that while they would not raise objection to a waiver of service under articles by Irish solicitors, they would contend that no Order should be made under the Colonial Solicitors Act, 1900, in favour of the Irish Free State unless it included a provision that Free State solicitors should pass the Law Society's Trust Accounts and Book-keeping and Final Examinations. The Council have not heard that the Irish Free State has applied for an Order under the Colonial Solicitors Act. They are, indeed, of opinion that for the moment the Irish Free State are not in a position to make such an application. Section 3 of the Irish Free State Constitution Act, 1922, does not provide unconditionally that the Colonial Solicitors Act may be applied to the Irish Free State; it merely provides that the Act may be so applied if the Parliament of the Irish Free State make provision to that effect. So far as the Council are aware, no such provision has been made by the Parliament of the Irish Free State." He happened to know that opportunity was taken by a certain solicitor to write to one of the pillars of the solicitors branch of the profession in the Irish Free State, drawing his attention to that part of the report. An answer was received in which occurred the words, "The Free State Parliament is quite prepared to pass the necessary legislation. English solicitors are admitted to practise in the Free State upon their English qualification. Free State solicitors do not suggest that they should be permitted to practise in both countries at the same time, but they do say, and it does not appear to be unreasonable or unfounded, that they consider as a body they are just as competent as their English brethren, and that as long as they require no proofs of competence they should not be asked for any. As a matter of fact, had there been many solicitors who wished to transfer from Ireland to England, I believe that the Irish Government would not only have passed the necessary legislation rapidly through, but would have put pressure on the Colonial Office, which would have resulted in the Law Society being more or less put in their place." He (Mr. Bell) thought that in the spirit of justice the alteration should be brought about.

### Poor Persons Procedure.

The report also referred to the subject of Poor Persons Procedure. He recognised the efforts made by the Council with the view of remedying what had been a defect in the Act, in which the late Mr. Scriven took such intelligent and highly useful interest. One point possibly had not been noticed, namely, that the poor person, when he has got his judgment, if he wished to enforce it, would have to find the money for the purpose.

The President: You get your divorce.

Mr. Bell said that when the poor person obtained judgment he could not go into the Bankruptcy Court without paying £10, the preliminary fees required to present a petition in bankruptcy. How could a poor person do that?

### Central County Court.

He hoped also that the Council would take some measures with the object of getting the suggestion that had been made from time to time at these meetings that there should be a Central County Court for the Metropolitan district established.

### Solicitors' Remuneration.

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# Stock Exchange Prices of certain Trustee Securities.

**Bank Rate 4%. Next London Stock Exchange Settlement, Thursday, 14th August.**

| | Middle Price. 30th July. | Interest Yield. £ s. d. |
|---|---|---|
| **English Government Securities.** | | |
| Consols 2½% | 56⅛ | 4 7 6 |
| War Loan 5% 1929-47 | 101½ | 4 19 0 |
| War Loan 4½% 1925-45 | 96¾ | 4 13 0 |
| War Loan 4% (Tax free) 1929-42 | 101¼ | 3 18 0 |
| War Loan 3½% 1st March 1928 | 96¾ | 3 12 6 |
| Funding 4% Loan 1960-90 | 87⅞ | 4 11 0 |
| Victory 4% Bonds (available at par for Estate Duty) | 92¾ | 4 6 0 |
| Conversion Loan 3½% 1961 or after | 77 | 4 11 0 |
| Local Loans 3% 1921 or after | 64⅞ | 4 12 6 |
| India 5½% 15th January 1932 | 100¾ | 5 9 0 |
| India 4½% 1950-55 | 86½ | 5 4 0 |
| India 3½% | 65¾ | 5 6 6 |
| India 3% | 56¼ | 5 7 0 |
| **Colonial Securities.** | | |
| British E. Africa 6% 1946-56 | 113½ | 5 6 0 |
| South Africa 4% 1943-63 | 89 | 4 10 0 |
| Jamaica 4½% 1941-71 | 95 | 4 14 0 |
| New South Wales 4½% 1935-45 | 94½ | 4 15 0 |
| W. Australia 4½% 1935-65 | 94½ | 4 15 0 |
| S. Australia 3½% 1926-36 | 85 | 4 2 0 |
| New Zealand 4½% 1944 | 95½ | 4 14 6 |
| New Zealand 4% 1929 | 95½ | 4 3 6 |
| Canada 3% 1938 | 83 | 3 12 6 |
| Cape of Good Hope 3½% 1929-49 | 80 | 4 7 6 |
| **Corporation Stocks.** | | |
| Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn. | 54½ | 4 11 6 |
| Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn. | 65 | 4 12 6 |
| Birmingham 3% on or after 1947 at option of Corpn. | 65 | 4 12 6 |
| Bristol 3½% 1925-65 | 76 | 4 12 0 |
| Cardiff 3½% 1935 | 88 | 3 19 6 |
| Glasgow 2½% 1925-40 | 75 | 3 6 6 |
| Liverpool 3½% on or after 1942 at option of Corpn. | 77 | 4 11 0 |
| Manchester 3% on or after 1941 | 65 | 4 12 6 |
| Newcastle 3½% irredeemable | 76 | 4 12 0 |
| Nottingham 3% irredeemable | 64½ | 4 13 0 |
| Plymouth 3% 1920-60 | 69½ | 4 6 0 |
| Middlesex C.C. 3½% 1927-47 | 82 | 4 5 6 |
| **English Railway Prior Charges.** | | |
| Gt. Western Rly. 4% Debenture | 84½ | 4 14 6 |
| Gt. Western Rly. 5% Rent Charge | 103¼xd. | 4 16 6 |
| Gt. Western Rly. 5% Preference | 101½ | 4 18 0 |
| L. North Eastern Rly. 4% Debenture | 83 | 4 16 0 |
| L. North Eastern Rly. 4% Guaranteed | 83½ | 4 15 6 |
| L. North Eastern Rly. 4% 1st Preference | 81¼ | 4 18 0 |
| L. Mid. & Scot. Rly. 4% Debenture | 83½ | 4 15 6 |
| L. Mid. & Scot. Rly. 4% Guaranteed | 83½ | 4 15 6 |
| L. Mid. & Scot. Rly. 4% Preference | 81½ | 4 18 0 |
| Southern Railway 4% Debenture | 83 | 4 16 0 |
| Southern Railway 5% Guaranteed | 103 | 4 17 0 |
| Southern Railway 5% Preference | 101 | 4 19 0 |

Mr. Walter Henry Short, a British national, failed to establish his claim before the Anglo-German Mixed Arbitral Tribunal, sitting in London, on the 22nd ult., for the sum of £120, the value of a trunk and its contents, which, he alleged, was lost, or confiscated, by the German authorities. The claimant, travelling to Karlsbad, Austria, left London on 31st July, 1914, and registered the trunk. At Herbesthal Station, in Germany, on the evening of that day, the passengers were turned out of the train on which he was travelling from Ostend by the German military authorities, and he saw no more of his trunk, which he alleged had been placed with the other registered luggage on the train at Ostend. The Tribunal held that what happened on 31st July, 1914, at Herbesthal did not fall within the provisions of Art. 297 (*e*) which contemplated only measures taken after 4th August, 1914.

# Wasted Youth.

The following letter has been addressed to *The Times*, 30th ult., by Mr. J. A. R. Cairns, writing from the Thames Police Court: Sir—I doubt if any but social workers and those associated with the Metropolitan Police Courts appreciate the terrible wastage of young life due largely to unemployment and partly to the lack of any discipline or control. The dole and outdoor relief are not solving the problem nor rendering it any easier of solution. There is a limit to the age of boys who can be sent to the Garden Colonies of the Police Court Mission. Lads are put on probation, but the old environment and conditions prevail, and they relapse. They come back on a second offence or a third, and magistrates are faced with the alternatives of turning lads loose again or sending them to Borstal or prison.

Here is a field of social service of the utmost urgency. There must be people who are willing to offer work or opportunities, whether in their homes or otherwise. Some of the lads will take the chance, some will not. But the task of the community will be eased somewhat when it is demonstrated that a lad is truculent or worthless. I make this appeal for the consideration of those who are interested in social reclamation, though I do not hold out the work as easy or pleasant. It is a duty, nevertheless, and I submit it to the special consideration of those who complain about the harshness of the law.

# Libel on Solicitor's Clerk.

At the Central Criminal Court on the 24th ult., says *The Times*, before the Recorder (Sir Ernest Wild, K.C.), Robert Victor Sturley, fifty, merchant, on bail, pleaded guilty to an indictment charging him with publishing a defamatory libel concerning Mr. Robert George Porteous. The Recorder sentenced Sturley to three months' imprisonment with hard labour.

Mr. Abinger, prosecuting, said the prosecutor, Mr. Porteous, was a solicitor's clerk. His principal was solicitor in an interpleader issue in which Sturley's son-in-law was interested and was successful. Later Sturley started a series of violent attacks on Mr. Porteous, beginning with a postcard in which he said his son-in-law was determined to have Mr. Porteous prosecuted if he did not pay him money due to him, and that he had better see to it at once. Sturley afterwards wrote a letter containing the libel, which counsel did not read in Court.

The prosecutor was called and denied that any money was due from him. He said that Sturley had nothing to do with the interpleader issue.

Sir Henry Curtis Bennett, who appeared with Mr. L. A. Byrne and Mr. Cannon for the defence, said there was a feud not only between the prosecutor and Sturley, but between their friends, and he suggested that the best way of dealing with the case, so as not to increase the rancour, was to bind Sturley over not to repeat the libel. Sturley was now sorry that he should have permitted himself in a temper to write the libellous letter.

The Recorder said Sturley had done a very wicked and malignant thing in writing the letter, and must suffer some punishment.

# Obituary.

## Mr. Hylton Jessop.

Mr. Hylton Jessop, solicitor, of Cheltenham, died on Saturday, the 19th ult., in a local nursing home after an operation on the previous Monday.

Mr. Jessop, who was about fifty-six years of age, was a son of Mr. Charles Hale Jessop, solicitor, and was educated at Cheltenham College. Choosing his father's profession, he was admitted a solicitor in 1894, and later joined as partner in the business of Messrs. C. H. Jessop & Son, which business he had carried on alone since his father's death some few years ago.

A cousin of the famous cricketer, Gilbert Jessop, the Gloucestershire captain and England player, Mr. Hylton Jessop was himself an enthusiastic cricketer and no mean exponent of the game, having in the days of the great "W.G." been selected on more than one occasion to play for the county. He was for several years a regular player in the East Gloucestershire team, and one of the most consistent batsmen of his side. A golfer, he was a member of the Cheltenham Golf Club Committee, and, indeed, he took a keen interest in all forms of sport.

He will be greatly missed at St. Stephen's Church, where for a number of years he had been first parochial and then vicar's warden. A staunch Conservative, he was chairman of the Middle Ward Conservative Association. He was a member of the New Club and a Freemason.

Mr. Jessop leaves a widow (who was Miss Lillian Moore, a daughter of a well-known Tewkesbury family) and two sons and a daughter. His elder son, Mr. W. H. Jessop, recently passed his final law examination.

## Legal News.

### Information Required.

**In the Estate of Mr. CHARLES EDWIN JONES, deceased.**—In the month of June or July in the year 1922, it is alleged that a Will was made by the above Charles Edwin Jones, then residing at 440, Lea Bridge-road, Leyton, Essex. Any person who was one of the witnesses to such Will on giving any information leading to the establishment of such Will will be rewarded.—Apply to Drury Freeman, 438, Lea Bridge-road, Leyton, Solicitor.

**ERNEST WILLIAM BROADBENT, deceased,** formerly of 2, Ryder-street, S.W., late of 41, Manchester-street, Manchester-square, London, late a partner in C. Birch Crisp & Co., 11, Angel-court, E.C., and of the Stock Exchange, London.—Any person having or knowing of the whereabouts of any Will or Codicil of the above named is earnestly requested to communicate with Messrs. Brundrett, Whitmore & Randall, 10, King's Bench-walk, Temple, E.C.4.

### Appointment.

Sir HENRY MADDOCKS, K.C., has been appointed to be Recorder of Stamford in the place of Mr. H. Drysdale Woodcock, K.C., who resigned on his appointment as a County Court Judge.

### General.

A neat but practical card, about a foot long, containing clearly printed warnings and safeguards in regard to fire, has been compiled by Dr. F. J. Waldo, the City Coroner, and has been printed by the authority of the Court of Common Council. It is intended to be hung up in offices and workshops, and it may be regarded as a summary of the experience of over twenty years' working of the City of London Fire Inquests Act. The instructions are divided into two sections, those dealing with an actual outbreak, and the other with the precautions to prevent outbreaks, and in them is much sound but often neglected advice. The City is having larger notices printed with the same matter for exhibition in large buildings and schools.

Miss Dorothy M. Page, The Ladies' Army and Navy Club, Burlington Gardens, W., writing to *The Times* (19th ult.) says: One of the suggestions made in Dr. Craster's letter, that manuscripts, before leaving this country after having been sold, should be photographed, and the purchaser should, if required, deposit the photographic reproductions in the Public Record Office or British Museum, surely might also apply to Court Rolls, concerning which records Mr. C. Hardy has given such an excellent description. It may in this case be argued that since Lord Birkenhead's Act the utility of these manorial records has become more academic than a practical matter of interest, but to the historian and economist the evidence contained in them is of paramount importance. It is a pity that some provision was not made in this Act for their safe keeping, and that arrangement for their deposit at the Public Record Office, &c., should not have been made.

The International Prison Commission, representing most of the civilised states of the world, which has been holding a series of conferences at the Home Office, under the presidency of Sir Evelyn Ruggles-Brice, the president of the Commission, has closed its sittings. The Congress of 1925 will be held from 4th to 10th August, at the Imperial Institute. Invitations will be issued by the Government in the early autumn. The King received the delegates at the Garden Party at Buckingham Palace on Thursday week, and the Government entertained the delegates at dinner at Lancaster House, where the Home Secretary presided, and the company included four former Home Secretaries—Lord Gladstone, Sir Herbert Samuel, Mr. Shortt, and Mr. Bridgeman. The Home Secretary assured the Commission that no efforts would be wanting on the part of the Government to ensure the success of the Congress of 1925. The Secretary-General of the Commission, Professor Simon Van der Aa, of Holland, on behalf of the Commission, thanked the Government for the kindness and hospitality shown to them.

# Winding-up Notices.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

CREDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

*London Gazette.*—TUESDAY, July 22.

PURE LIME SPAR PRODUCTS LTD. Aug. 21. Millen P. Killey, 41-43, Castle-street, Liverpool.

HANLEY THEATRES & CIRCUS LIMITED. Aug. 16. Richard E. Clark, 17, Albion-st., Hanley.

BURGESS, ELLIS & Co. LTD. Aug. 30. E. J. Bell, 17, Queen Victoria-st.

MULLINERS LTD. Aug. 31. E. E. Sparshott, 120, Colmore-row, Birmingham.

DERBY TYRE Co. LTD. Aug. 22. Liquidator, c.o. Vincent Russell, Market Place, Derby.

THE CALTHORPE MOTOR CO. LTD. Aug. 31. E. E. Sparshott, 120, Colmore-row, Birmingham.

*London Gazette.*—FRIDAY, July 25.

E. T. LEIGHTON LTD. Sept. 5. William Nicholson, 12 Wood-st., Cheapside.

CLARK, WILLIAMS & Co. LTD. Aug. 11. C. H. Bull, 6A Devonshire-sq., E.C.

CLIFF AND TONG LTD. Sept. 6. Norman Abbott, 4 Chapel-walks, Manchester.

WILFRED BURSELL, LTD. Aug. 21. G. W. Townend, Carlisle Chambers, Goole.

BERNARD ART CO. LTD. Sept. 2. Walter D. Goatly, 11 Old Jewry-chambers.

C. ANSELL PAPER COMPANY LTD. Aug. 29. A. E. Mist, 189 Upper Thames-st., E.C.

*London Gazette.*—TUESDAY, July 29.

THOMAS BLUNETT & SONS LTD. Aug. 11. O. Collins, 109, Colmore-row, Birmingham.

MADAME HAWKE LTD. Aug. 25. E. H. Pope, 60, Watling-st., E.C.4.

# Resolutions for Winding-up Voluntarily.

*London Gazette.*—TUESDAY, JULY 22.

Pure Lime Spar Products Ltd.
International Linguaphone Co. Ltd.
C. Ansell Paper Co. Ltd.
Alfred Bishop Ltd.
J. H. Robinson (Mill Green) Ltd.
The Master Painters' Paint Manufactory Ltd.
Walker & Butterfield Ltd.
J. and C. Holcroft Ltd.
The Luton Iron Foundry Co. Ltd.
J. H. Syndicate Ltd.
Preserve Manufacturers Ltd.
Wireless Development Syndicate Ltd.
Zeta Shipping Co. Ltd.
Hants and Dorset Stores Ltd.
The Char-a-banc Launch Service Co. Ltd.
J. & D. Croft Ltd.
C. H. Martin & Sons Ltd.
British Patent Surbrite Co. Ltd.
Oldham Central Land, Building & Investment Co. Ltd.
Campion Innes & Co.(London) Ltd.

*London Gazette.*—FRIDAY, July 25.

E. C. Chamberlain Ltd.
Ivanhoe Gold Corporation Ltd.
Guildhall Garage Ltd.
Pacific Development Co. Ltd
Electrical Cabinet Works Ltd.
Lavington (1916) Ltd.
The South London Homesteads Ltd.
Collapsible Tubes and Specialities Ltd.
Central Motor Mart Ltd.
Cliff & Tong Ltd.
Cordoba Copper Co. Ltd.
Edward Tattersall Ltd.
Max Miller Ltd.
Smith & Jowett Ltd.
Thomas Bennett & Sons Ltd.
Instone Air Line Ltd.
A. C. R. Greene & Co. Ltd.
Whittaker & Welch Ltd.
The Ripon Public Rooms Co. Ltd.
Harper Smith & Co. Ltd.
Sidney Thompson & Co. Ltd.
Aubrey Brothers & Co. Ltd.
Boosbeck Theatres Ltd.
Ozonized Oxygen Co. Ltd.

*London Gazette.*—TUESDAY, July 29.

H. Fingleston Ltd.
Shetland Exploration Syndicate Ltd.
Sungei Sekah (F.M.S.) Rubber Co. Ltd.
F. Normington Ltd.
Old Bill Mascots Ltd.
Bongwelli (Nigerian) Tin Syndicate Ltd.
The Barwick Estates Ltd.
The Electromet Soap Co. Ltd.
C. H. Baber Ltd.
Warrington Athletic Stores Ltd.
Radieco Ltd.
Northampton Cinema Co. Ltd.
Joseph Wordsworth & Sons Ltd.
Hunstanton Mineral Water Co. Ltd.
Doncaster Steam Trawling Co. Ltd.
L. Clark & Co. Ltd.
Whitaker and Co. (Leeds) Ltd.
Shirebrook Football and Athletic Club Ltd.
Gramophones Ltd.
Provincial Vaudevilles Ltd.
Wireless Equipment Ltd.
Cooper & King Ltd.
Calways Ltd.
Cravens Patent Ltd.
Manor Press Ltd.
Cinema Theatre (Swinton) Ltd.

# Bankruptcy Notices.

RECEIVING ORDERS.

*London Gazette.*—TUESDAY, July 22.

ATKINS, WILLIAM F., Lydlinch, Dorset, Farmer. Dorchester. Pet. July 18. Ord. July 18.

BAIRD, ANDREW, Oswestry, Draper. Wrexham. Pet. July 18. Ord. July 18.

BARKER, THOMAS A., Bradford, Wool Merchant. Bradford. Pet. July 19. Ord. July 19.

BENNETT, CECIL M., Camberwell, Linoleum Salesman. High Court. Pet. July 19. Ord. July 19.

BREWER, ERNEST W., Yoxford, Suffolk, Poultry Dealer. Ipswich. Pet. July 10. Ord. July 10.

BROWNBRIDGE, WILLIAM E., York, Grocer. York. Pet. July 16. Ord. July 16.

BUSBY, ARTHUR, Bearwood, Staffs, Tailor. Birmingham. Pet. July 17. Ord. July 17.

CLARKE, HAROLD, Redditch, Coal Merchant. Birmingham. Pet. July 18. Ord. July 18.

COBB, ALFRED W. W., Northampton, Confectioner. Northampton. Pet. July 18. Ord. July 18.

COMPTON, THOMAS R., Formby, Confectioner, and HALLIDAY, DOUGLAS, Cotton Broker, Formby. Liverpool. Pet. July 1. Ord. July 17.

CRAWSHAW, CAROLINE, Market Rasen, Draper. Lincoln. Pet. July 18. Ord. July 18.

DICKINSON, ALBERT P., Bargoed, Motor Engineer. Merthyr Tydfil. Pet. July 15. Ord. July 15.

EAST, JOSEPH L., Great Grimsby, Master of a Steam Trawler. Great Grimsby. Pet. July 19. Ord. July 19.

ETHERIDGE, CARLTON, Birmingham, Advertising Agent. Birmingham. Pet. July 17. Ord. July 17.

FINNIS, CHARLES, Dover, Stationer. Canterbury. Pet. July 17. Ord. July 17.

GIBBS, WILLIAM C., Minehead, Butcher. Taunton. Pet. July 17. Ord. July 17.

GREEN, CHARLES, Hastings, Builder. Hastings. Pet. July 2. Ord. July 17.

GREENWOOD, JOHN T., Carmarthen, Coachbuilders. Carmarthen. Pet. July 18. Ord. July 18.

GRIFFITHS, HENRY, Bargoed, Tobacco Dealer. Merthyr Tydfil. Pet. July 5. Ord. July 18.

HARDY & HANDLEY, Nottingham, Millinery Agents. Nottingham. Pet. June 6. Ord. July 16.

HARRISON, ERNEST, Llanelly, Poultry Food Dealer. Carmarthen. Pet. July 17. Ord. July 17.

HERSHORN, FANNY, Harrow, Grocer. St. Albans. Pet. June 24. Ord. July 16.

HOGG, GORDON H., and HOGG, LILIAN, Cockermouth. Outfitters. Cockermouth. Pet. July 16. Ord. July 16.

HOLMES, FRANK, Huddersfield, Wool Merchant. Huddersfield. Pet. July 18. Ord. July 18.

HOOK, CYRIL L., Newcastle-upon-Tyne, Cycle Accessory Agent. Newcastle-upon-Tyne. Pet. July 17. Ord. July 17.

HOPE, ERNEST, Brighton, Commission Agent. Birkenhead Pet. June 17. Ord. July 17.

HOPKINS, JOHN, Bargoed, House Agent. Merthyr Tydfil. Pet. July 18. Ord. July 18.

JENKINS, S. T., Clapham, Garage Proprietor. Wandsworth Pet. June 5. Ord. July 17.

JONES, OSWALD T., Prestatyn, Builder. Bangor. Pet. July 1. Ord. July 15.

JONES, ARTHUR, Ynysybwl, Electrical Engineer. Pontypridd Pet. July 19. Ord. July 19.

KRASA, LEOPOLD J., Brondesbury. High Court. Pet. June 13. Ord. July 16.

LIDDLE, ALFRED F., Camberwell, Builder. High Court. Pet. July 17. Ord. July 17.

LOCKWOOD, ARTHUR J., Peckham, Motor Engineer. High Court. Pet. July 19. Ord. July 19.

LOCKWOOD, HUBERT, Huddersfield, Designer. Huddersfield. Pet. July 19. Ord. July 19.

LUNN, ALFRED, Foleshill, Coventry, Motor Body Builder. Coventry. Pet. July 17. Ord. July 17.

MACDONALD, MALCOLM, East Castle-st., W., Ladies' Tailor. High Court. Pet. June 13. Ord. July 16.

MATTHEWS, SAMUEL J., Burnley, Licensed Victualler. Wigan. Pet. July 4. Ord. July 17.

MITCHELL, WILLIAM, Bradford, Grocer. Bradford. Pet. July 19. Ord. July 19.

PETERS, MARJORIE, Bristol, General Dealer. Bristol. Pet. July 18. Ord. July 18.

PHILLIPS, W. SHAW, Tetbury, Glos., Film Hirer. Swindon Pet. June 27. Ord. July 16.

PRYER, JOHN P., Tenby. High Court. Pet. June 16. Ord. July 17.

READ, W. A., Victoria-st. High Court. Pet. Feb. 22. Ord. July 17.

ROBINSON, JOSEPH (Sen.), and ROBINSON, JOSEPH (Jun.), Hereford, Cattle Dealers. Cardiff. Pet. July 16. Ord. July 16.

ROBBINS, ALBERT E., Smethwick, Baker. West Bromwich. Pet. July 1. Ord. July 1.

RUTTER, ALFRED J., Clapham, Schoolmaster. Wandsworth. Pet. June 2. Ord. July 17.

SHARP, ISAAC, Whitechapel. High Court. Pet. June 16. Ord. July 17.

SHORTLAND, FREDERICK H., Luton, Straw Hat Manufacturer. Luton. Pet. July 17. Ord. July 17.

J. SLENDER & SONS, Regent-st., Woollen Merchants. High Court. Pet. June 16. Ord. July 17.

SWEENEY, FRANK, Manchester, Garage Proprietor. Manchester. Pet. July 18. Ord. July 18.

TOMBA, ALFRED, Coptic-st., Provision Dealer. High Court. Pet. June 23. Ord. July 17.

VIRGO, GEORGE, Wisbech-Saint-Peter, Fruit Agent. King's Lynn. Pet. July 17. Ord. 17.

WALTER, C., High Holborn, Kinematograph Estate Agent. High Court. Pet. May 13. Ord. June 12.

WILSON, A. KNOX, St. James'-sq. High Court. Pet. June 21. Ord. July 17.

Amended Notice substituted for that published in the *London Gazette* of the 18th July, 1924:—

DICKINSON, ALBERT P., Bargoed, Motor Engineer. Merthyr Tydfil. Pet. July 15. Ord. July 15.